



HCP.No.241 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

H.C.P.No.241 of 2025

Krithika

... Petitioner

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, St.George Fort, Chennai – 600 009.

2.The Commissioner of Police,
Avadi City, Avadi

3.The Superintendent of Prison,
Central Prison, Vellore,
Vellore District.

4.The Inspector of Police,
EFD-1, Central Crime Branch,
Avadi City, Avadi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records pertaining to the order of detention passed by the 2nd respondent in No.05/BCDFGISSSV/ 2025 DATED 09.01.2025 against the petitioner's husband Thanika @



HCP.No.241 of 2025

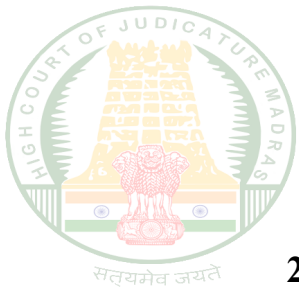
Thanikachalam, male, aged about 36 years, son of Palayam, now confined in Central Prison, Vellore, Vellore District and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.A.Salmankhan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.
AND
V.LAKSHMINARAYANAN, J.

The petitioner herein, who is the wife of the detenu viz. Thanika @ Thanikachalam, aged about 36 years, S/o.Palayam, has come forward with this petition challenging the detention order passed by the second respondent dated 09.01.2025 slapped on her husband, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].



HCP.No.241 of 2025

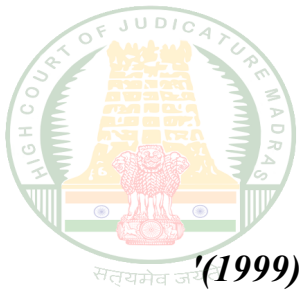
WEB COPY

2. Heard learned counsel for the petitioner, as well as learned Additional Public Prosecutor appearing for respondents.

3. Though several grounds are raised in the petition, learned counsel for the petitioner pointed out that there is no translation of certain documents which have been placed for passing the remand order. In this circumstances, learned counsel for petitioner stated that serious prejudice has been caused to the petitioner for making effective representation.

4. On a perusal of the Booklet, Volume I, it is seen that there is no translation of certain documents issued by the Registrar, Pallavaram containing in page Nos.79 to 114. Since a specific stand has been taken that serious prejudice is caused to the petitioner to make effective representation, this Court finds that the failure to furnish a proper translated copy of the documents issued by the Registrar, Pallavaram, vitiates the Detention Order.

5. In this context, it is useful to refer to the judgment of the Hon'ble Supreme Court in '*Powanammal Vs. State of Tamil Nadu*' reported in



WEB COPY

'(1999) 2 SCC 413'. The Hon'ble Supreme Court, after discussing the safeguards embodied in Article 22[5] of the Constitution, observed that the detenu should be afforded an opportunity of making representation effectively against the Detention Order and that, the failure to supply every material in the language which can be understood by the detenu, is imperative. In the said context, the Hon'ble Supreme Court has held in Paragraphs 9 and 16 {as in SCC journal} as follows:

“9.However, this Court has maintained a distinction between a document which has been relied upon by the detaining authority in the grounds of detention and a document which finds a mere reference in the grounds of detention. Whereas the non-supply of a copy of the document relied upon in the grounds of detention has been held to be fatal to continued detention, the detenu need not show that any prejudice is caused to him. This is because the non-supply of such a document would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making an effective representation against the order. But it would not be so where the document merely finds a reference in the order of detention or among the grounds thereof. In such a case, the detenu's complaint of non-supply of document



WEB COPY



HCP.No.241 of 2025

has to be supported by prejudice caused to him in making an effective representation. What applies to a document would equally apply to furnishing a translated copy of the document in the language known to and understood by the detenu, should the document be in a different language.

..... **16.** *For the above reasons, in our view, the non-supply of the Tamil version of the English document, on the facts and in the circumstances, renders her continued detention illegal. We, therefore, direct that the detenue be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed.”*

6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 09.01.2025 in No.05/BCDFGISSSV/2025, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz.



HCP.No.241 of 2025

Thanika @ Thanikachalam, aged about 36 years, S/o.Palayam, presently confined in Central Prison, Vellore, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[M.S.R, J.]

[V.L.N, J.]

05.06.2025

kas

Index: Yes/No

Neutral Citation

To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, St.George Fort, Chennai – 600 009.
- 2.The Commissioner of Police,
Avadi City, Avadi
- 3.The Superintendent of Prison,
Central Prison, Vellore,
Vellore District.
- 4.The Inspector of Police,
EFD-1, Central Crime Branch,
Avadi City, Avadi
- 5.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



WEB COPY



HCP.No.241 of 2025

M.S.RAMESH, J.
and
V.LAKSHMINARAYANAN, J.

kas

H.C.P.No.241 of 2025

05.06.2025