



WEB COPY

HCP No. 278 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

CORAM

**THE HONOURABLE MR JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

HCP No. 278 of 2025

P.Abhinaya

Petitioner/
wife of the Detenue

Vs

1. State of Tamil Nadu
Rep by its Additional Chief Secretary
To Govt, Home, Prohibition And Excise
Department, Fort St Geroge, Chennai
600009.

2.The District Collector And District
Magistrate,
Coimbatore District-641018

3.The Superintendent Of Prison
Central Prison Coimbatore District.

4.The Superintendent Of Police,
Office of the Superintendent of Police,
Coimbatore -641018.



Respondent(s)

PRAYER

To issue a writ, order or direction in the nature of a Habeas Corpus to call for the records relating to the Detention order vide CrI.M.P.No.78/D.O/2024 dated 09.12.2024, passed by the Second Respondent and quash the same and direct the respondents herein to produce the body of the detenu namely Prasanth, S/o.Chinnasamy before this Court and set him at liberty forthwith from Central prison, Coimbatore District.

For Petitioner(s): M/s.Kingsly Solomon

For Respondent(s): Mr.R.Muniyaparaj
Additional Public Prosecutor
Assisted by Mr.M.Sylvester John

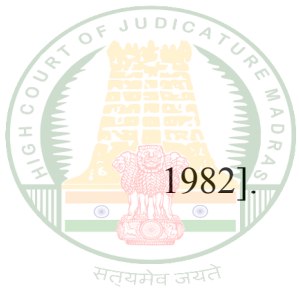
ORDER

M.S.RAMESH, J.

AND

N.SENTHILKUMAR, J.

The petitioner herein, who is the wife of the detenu viz., Prasanth, S/o.Chinnasamy, has come forward with this petition challenging the detention order passed by the second respondent dated 09.12.2024 issued against on her husband, branding him as "Drug Offender" 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



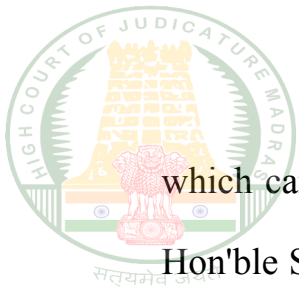
WEB COPY

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

3. Though several points have been raised by the learned counsel for the petitioner, it is stated that the detention order is liable to be quashed on the ground that the Arrest Intimation was not fully translated to Tamil version. Hence, it is submitted that the detenu was deprived of making effective representation.

4. On a perusal of the Booklet, it is seen that Page Nos.25 and 26 in Volume-I of the booklet furnished to the detenu, was not fully translated to Tamil version. This furnishing of illegible copies of the vital document would deprive the detenu from making effective representation to the authorities against the order of detention.

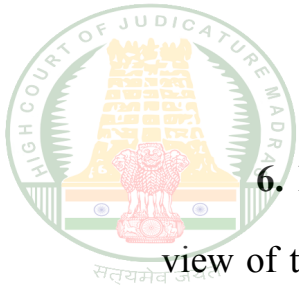
5. In this context, it is useful to refer to the judgment of the Hon'ble Supreme Court in '*Powanammal Vs. State of Tamil Nadu*' reported in '*(1999) 2 SCC 413*'. The Hon'ble Supreme Court, after discussing the safeguards embodied in Article 22[5] of the Constitution, observed that the detenu should 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 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 detenu 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 09.12.2024 in CrI.M.P.No.78/D.O/2024 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Prasanth, S/o.Chinnasamy, confined at Central prison, Coimbatore District, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

(M.S.RAMESH J.) (N.SENTHILKUMAR J.)
25-03-2025

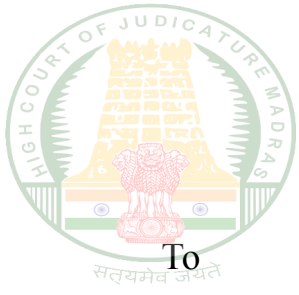
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Anu



To

WEB COPY

1.The Additional Chief Secretary To Govt,
Home, Prohibition And Excise Department, Fort
St Geroge, Chennai 600009.

2.The District Collector And District Magistrate,
Coimbatore District-641018

3.The Superintendent Of Prison
Central Prison Coimbatore District.

4.The Superintendent Of Police,
Office of the Superintendent of Police,
Coimbatore -641018.

5.The Inspector Of Police
Alandurai Police Station,
Coimbatore District.

6.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai

7. The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY

HCP No. 278 of 2025



M.S.RAMESH J.
AND
N.SENTHILKUMAR J.

Anu

HCP No. 278 of 2025

25-03-2025