



HCP.No.622 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.622 of 2025

Susila

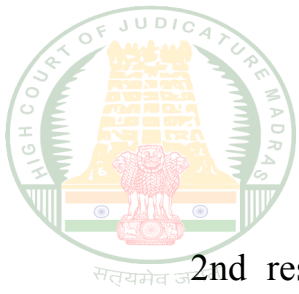
... Petitioner

Vs.

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, St.George Fort, Chennai – 600 009.
- 2.The Commissioner of Police,
Greater Chennai Police Commissionerate
Vepery, Chennai 600 007
- 3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai – 600 066.
- 4.The Inspector of Police Law & Order
R-11, Ramapuram Police Station
Ramapuram, Chennai 600 083

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records of the Commissioner of Police, Greater Chennai Police Commissionerate, Vepery, Chennai, the



HCP.No.622 of 2025

2nd respondent herein in connection with the direction order vide 11/BCDFGISSSV/2025, dated 07.01.2025 and quash the same and further direct the respondents to produce the detenu Naresh, male aged 26 yaers, son of Devaraj, who is detained in Central Prison, Puzhal, before this Court and set him at liberty forthwith.

For Petitioner : Mr.M.Mubeen

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

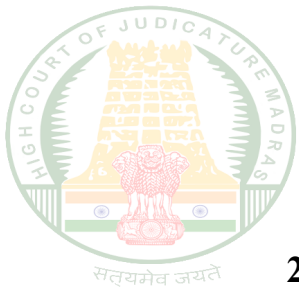
ORDER

M.S.RAMESH, J.

AND

V.LAKSHMINARAYANAN, J.

The petitioner herein, who is the mother of the detenu viz. Naresh, aged about 26 years, S/o.Devaraj, has come forward with this petition challenging the detention order passed by the second respondent dated 07.01.2025 slapped on her son, 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].



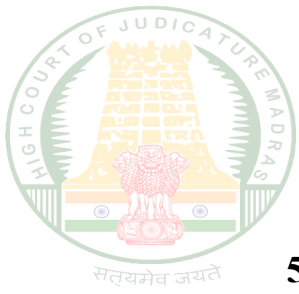
HCP.No.622 of 2025

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 the detenu has studied only upto 10th standard and that there is no translation of the Final Report filed by the respondent police under Section 173 Cr.P.C. to the Judicial Magistrate, Sriperumpudur. 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, it is seen that Final Report filed by the respondent police under Section 173 Cr.P.C. to the Judicial Magistrate, Sriperumpudur, in Volume II, Page No.42 has not been translated. 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 Final Report, vitiates the Detention Order.



HCP.No.622 of 2025

WEB COPY

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



WEB COPY



HCP.No.622 of 2025

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 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



HCP.No.622 of 2025

WEB COPY

second respondent on 07.01.2025 in No.11/BCDFGISSSV/2025, is hereby

set aside and the Habeas Corpus Petition is allowed. The detenu viz.

Naresh, aged about 26 years, S/o.Devaraj, presently confined in Central

Prison, Puzhal, Chennai, 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

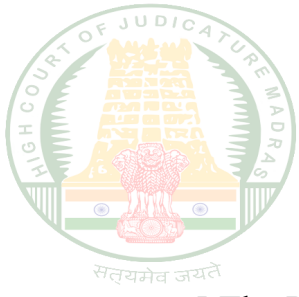
To

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

2.The Commissioner of Police,
Greater Chennai Police Commissionerate
Vepery, Chennai 600 007

3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai – 600 066.

4.The Inspector of Police Law & Order
R-11, Ramapuram Police Station
Ramapuram, Chennai 600 083



HCP.No.622 of 2025

5. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



WEB COPY



HCP.No.622 of 2025

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

kas

H.C.P.No.622 of 2025

05.06.2025