



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

HCP No. 702 of 2025

ELLAMMAL

Petitioner(s)

Vs

1. The State of Tamil Nadu,
Rep.by its, Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The District Collector and District Magistrate,
Kanchipuram, Kanchipuram District.

3.The Superintendent of Police,
O/o. Superintendent Office, Kanchipuram,
Kanchipuram District.

4.The Superintendent of Prison,



Central Prison, Vellore, Vellore District.

5.State rep.by its,
Inspector of Police,
C-2, Sunguvarchathiram Police Station,
Sunguvarchathiram, Kanchipuram District.

Respondent(s)

PRAYER

This Writ of HABEAS CORPUS filed under Article 226 of the Constitution of India to call for the records relating to the proceedings of the 2nd Respondent herein No. Rc.No.239/2025/M6 D.O.No.04/2025 dated 15.03.2025 and Quash the same and produce the detainee Thiru.Guna alias Gunasekaran, Male, aged 45 years, S/o.Namachivayam TPDA No.9567 now detained at Central Prison, Vellore, Vellore District before this Hon'ble Court and set him at liberty.

For Petitioner(s): Mr.G.Mohanakrishnan

For Respondent(s): Mr. A. Gokulakrishnan.
Addl. Public Prosecutor



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ORDER

(Order of the Court was made by N.Sathish Kumar J.)

The petitioner herein, who is the wife of the detenu viz.,Guna @ Gunasekaran, aged about 45 years, S/o. Namachivayam, confined at Central Prison, Vellore, has come forward with this petition challenging the detention order passed by the second respondent dated 15.03.2025 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].

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

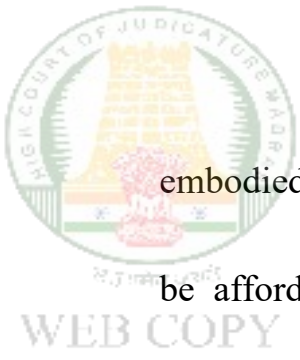


petitioner, it is stated that the detention order is liable to be quashed on the ground that the Arrest Intimation Report was not properly translated into Tamil version. Hence, it is submitted that the detenu was deprived of making effective representation.

4. The learned Additional Public Prosecutor would also fairly state that the Arrest Intimation Form was not properly translated into Tamil version.

5. On a perusal of the booklet, it is seen_that in Page No.33 of the Volume-I, furnished to the detenu, i.e., Arrest Intimation Report, was not properly translated into Tamil version. Therefore, the detenu is deprived from making effective representation and that the Detention Order passed by the Detaining Authority is vitiated.

6. 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



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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.”*

7. 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.

8. Hence, for the aforesaid reasons, the detention order passed by the



second respondent on 15.03.2025 in Rc.No.239/2025/M6-D.No.04/2025 is

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

Guna @ Gunasekaran, S/o Namachivayam, aged about 45 years, confined at

Central Prison, Vellore, is directed to be set at liberty forthwith, unless his

confinement is required in connection with any other case.

(N.SATHISH KUMAR J.) (M.JOTHIRAMAN J.)

25-11-2025

mrp

To

1.The Secretary to Government,
State of Tamilnadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The District Collector and District Magistrate,
Kanchipuram, Kanchipuram District.

3.The Superintendent of Police,
O/o. Superintendent Office, Kanchipuram,
Kanchipuram District.

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



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5. The Inspector of Police,
C-2, Sunguvarchathiram Police Station,
Sunguvarchathiram, Kanchipuram District.

6. The Public Prosecutor,
High Court, Madras



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