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HCP No. 905 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2025

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THE HONOURABLE MR JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

HCP No. 905 of 2025

Arokiyamary

Petitioner

Vs

1. The Additional Chief Secretary To The Government
Home, Prohibition And Excise (XVI) Department,
Secretariat, Chennai.

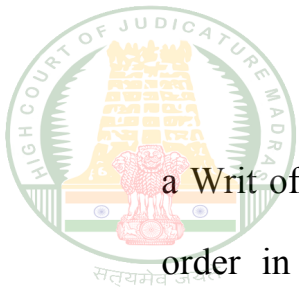
2.The Commissioner Of Police
Greater Chennai,

3.The Superintendent Of Prison
Central Prison Puzhal,
Chennai District.

4.The Inspector Of Police
R11, Ramapuram Police Station,
Chennai.

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue



a Writ of Habeas Corpus, calling for the records connected with the detention order in No.1188/BCDFGISSSV/2024 dated 02.12.2024 on the file of the respondent No.2 and quash the same and direct the respondents to produce the person of petitioner son one named Vimalraj @ Vimal, S/o. Durairaj, aged about 22 years now confined at Central Prison, Puzhal before this Court and set him at liberty forthwith.

For Petitioner : Mr.P.Muthamizhselvakumar

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, Vimalraj @ Vimal, son of Durairaj, aged about 22 years, now detained at Central Prison, Puzhal, has come forward with this petition challenging the detention order passed by the second respondent dated 02.12.2024 issued against 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].

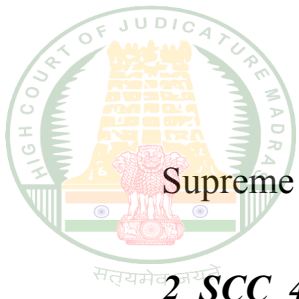
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2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds are raised in the petition, the learned counsel for the petitioner submitted that the detention order is liable to be quashed on the ground that the detenu was not furnished with confession statement of the accused. It is therefore stated that the detenu is deprived of his valuable right to make effective representation.

4. On a perusal of the Booklet, it is seen that the detenu was not furnished with the confession statement of the accused. This non-furnishing of the copy of the vital document would deprive the detenu of 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



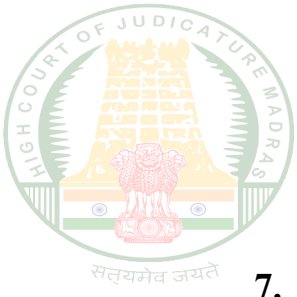
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where the document merely finds a reference in the order of detention or among the grounds thereof. In such a case, the detenu's complaint of non-supply of document has to be supported by prejudice caused to him in making an effective representation. 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 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.



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7. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 02.12.2024 in No.1188/BCDFGISSSV/2024, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Vimalraj @ Vimal, son of Durairaj, aged about 22 years, now detained at Central Prison, Puzhal, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

(M.S.RAMESH J.) (V.LAKSHMINARAYANAN J.)

03-06-2025

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



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