



H.C.P.No.1107 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

H.C.P.No.1107 of 2025

J.Manju

... Petitioner/Mother of the Detenu

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
 2. The District Magistrate and District Collector,
Namakkal District,
Namakkal.
 3. The Superintendent of Police,
Namakkal District,
Namakkal.
 4. The Superintendent of Prison,
Central Prison, Salem,
Salem District.
 5. The Inspector of Police,
Namakkal Police Station,
Namakkal District.
- ... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records, pertaining to the order of detention passed in C.M.P.No.47/Goonda/2025/M1 dated 10.05.2025 passed by the 2nd respondent and set aside the same and directing the respondents to produce the petitioner's son by name Karthikeyan, S/o.Jagadeesan aged about 25 years before this Honble court now confined in Central Prison, Salem and set him at liberty.

For Petitioner : Mr.C.Deepak Kumar

For Respondents : Mr.A.Gokulakrishnan

Addl. Public Prosecutor

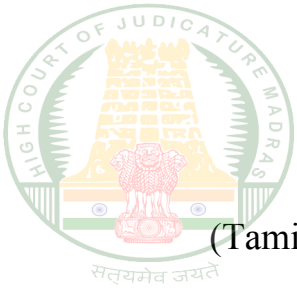
ORDER

J.NISHA BANU, J.

AND

S.SOUNTHAR, J.

The petitioner herein, who is the mother of the detenu, namely Karthikeyan, S/o.Jagadeesan aged about 25 years, detained at Central Prison, Salem, has come forward with this petition challenging the detention order dated 10.05.2025, passed by the second respondent in C.M.P.No.47/Goonda/2025/M1, branding him as "Goonda", as contemplated under Section 2 (f) of 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



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(Tamil Nadu Act 14, of 1982).

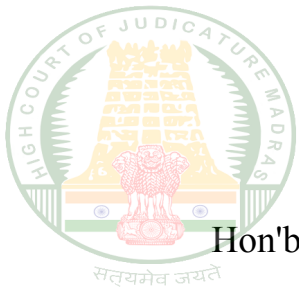
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2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Though learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the translated version of the Form of Remand Warrant dated 23.04.2025 as found in Page Nos.123 & 125 is improper. This deprived the detenu from making effective representation. Therefore, on the sole ground, the detention order is liable to be quashed.

4. On perusal of the documents available on record, particularly in Page Nos.123 & 125 of the booklet (Vol.I), the Form of Remand Warrant dated 23.04.2025 has been improperly translated, as the name of the District in the address coloum has been improperly mentioned. Therefore, the detenu is deprived from making effective representation and that the Detention Order passed by the Detaining Authority is vitiated.

5. In this context, it is useful to refer to the judgment of the



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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 of the said judgment 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.



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..... **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.”

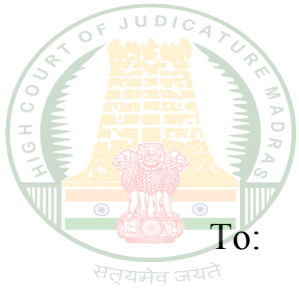
6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. For the aforesaid reasons, this Habeas Corpus Petition is allowed and the Detention Order passed by the Second respondent in C.M.P.No.47/Goonda/2025/M1 dated 10.05.2025, is hereby set aside. The detenu, viz., Karthikeyan, S/o.Jegadeesan aged 25 years, who is now confined in the Central Prison, Salem is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(J.N.B.J.) (S.S.J.)
12.09.2025

Index: Yes / No
Internet: Yes / No
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J.NISHA BANU, J.
AND
S.SOUNTHAR, J.
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To:

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1. The Secretary to Government,
State of Tamil Nadu
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Magistrate and District Collector,
Namakkal District,
Namakkal.
3. The Superintendent of Police,
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4. The Superintendent of Prison,
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Salem District.
5. The Inspector of Police,
Namakkal Police Station,
Namakkal District.
6. The Public Prosecutor,
High Court, Madras.

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