



HCP No.1255 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2025

CORAM

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

HCP No.1255 of 2025

V.Malathi
W/o.K.Venkatesh @ Molagapodi Venkatesan,
No.4/637, Veeravanchinathan Street,
P.T.Murthy Nagar, Padiyanallur, Chennai - 600 052.

Petitioner(s)

Vs

1.State Represented by its
Home Secretary to the Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police
No.5/1, HVF Estate, Bhaktavatsala Puram, Avadi,
Chennai - 600 054.

3.The Inspector of Police
M4 Red Hills Police Station, GNT Road Red Hills,
Chennai, Tamil Nadu - 600052.

4.The Superintendent of Prison
Central Prison, Puzhal.



HCP No.1255 of 2025

Respondent(s)

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records relating to the order of detention passed by the second respondent dated 17.06.2025 in No.86/BCDFGISSSV/2025 against the petitioner's husband, detenu, K.Venkatesh @ Molagapodi Venkatesan, S/o.Kandasamy, aged 51 years, male, who is confined at the Central Prison, Puzhal and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner(s): Mr.V.Purushothaman

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

ORDER

(made by N.Sathish Kumar, J.)

The petitioner, who is the wife of the detenu Venkatesh @ Molagapodi Venkatesan, S/o.Kandasamy, aged 51 years, has come forward with this petition challenging the detention order passed by the second respondent dated 17.06.2025 bearing reference No.86/BCDFGISSSV/2025 slapped on her husband, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest



HCP No.1255 of 2025

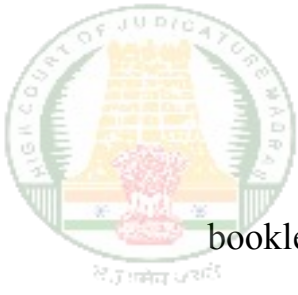
Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

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

3. Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner mainly focused his argument on the ground that the language known to the detenu is Tamil but the arrest intimation form translated in Tamil were not served on the detenu and the same has prevented him from making an effective representation against the detention order. Hence, the impugned order is liable to be set aside.

4. *Per contra*, learned Additional Public Prosecutor submits that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.

5. A perusal of the booklet would disclose that the translated version of the arrest intimation form at page no.14 in Volume-I of the



HCP No.1255 of 2025

booklet was not furnished to the detenu in a language known to him, thereby, the detenu has been put to prejudice and is deprived of making an effective representation for revocation of the detention order. The non-furnishing of translated version of document(s) relied on by the detaining authority particularly when the detenu is not conversant with the language violates his constitutional rights and can vitiate the detention order. Hence, on this ground, the impugned order of detention is vitiated and is liable to be quashed.

In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 17.06.2025 in No.86/BCDFGISSSV/2025 is hereby set aside. The detenu Venkatesh @ Molagapodi Venkatesan, S/o.Kandasamy, aged 51 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

(N.S.K., J.) (M.J.R., J.)

04.11.2025

nsd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

Page 4 of 7



HCP No.1255 of 2025

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To

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2.The Commissioner of Police
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3.The Inspector of Police
M4 Red Hills Police Station, GNT Road Red Hills, Chennai, Tamil Nadu - 600052.

4.The Superintendent of Prison
Central Prison, Puzhal.

5.The Public Prosecutor,
Madras High Court, Chennai.

6.The Joint Secretary to Government,
Public (Law and Order),
Fort St.George, Chennai – 9.



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HCP No.1255 of 2025

N.SATHISH KUMAR, J.
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HCP No.1255 of 2025



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HCP No.1255 of 2025

04.11.2025