



H.C.P.No.1271 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

H.C.P.No.1271 of 2025

Rajesh

... Petitioner

Vs.

1.The State of Tamil Nadu rep.
By its Additional Chief Secretary to Government
Home, Prohibition & Excise Department,
Fort St. George,
Chennai-600 009.

2.The Commissioner of Police
Salem City
Salem

3.The Superintendent of Prison
Central Prison Salem
Salem

4.The Inspector of Police
Kitchipalayam Police Station
Salem City

... Respondents

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



H.C.P.No.1271 of 2025

issue a Writ of Habeas Corpus, to call for the records in C.M.P.No.5/
Drug Offender/Salem City/2025 dated 26.02.2025, quash the same and
direct the respondents to produce the detenu viz. Raman, who is currently
confined at Central Prison, Salem, before this Court and set him at liberty.

For Petitioner : Mr.A.Kowsik Raghu Rajaa

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

ORDER

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

The petitioner, who is the brother of the detenu, viz. Raman, aged 29 years, S/o.Ramamoorthy, confined at Central Prison, Salem, has come forward with this petition challenging the detention order passed by the second respondent dated 26.02.2025 slapped on his brother, branding him as "Drug Offender" 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.

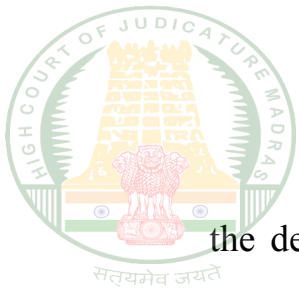


H.C.P.No.1271 of 2025

WEB COPY 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 Arrest Information furnished to the detenu has been partially translated. 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 documents available on record, particularly in Page Nos.16 & 17 of the booklet in Volume-I, a copy of the Arrest Information is available which has been translated partially in vernacular version and fully translated copy of the same has not been furnished to the detenu. 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 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 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



WEB COPY



H.C.P.No.1271 of 2025

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 second respondent on 26.02.2025 in C.M.P.No.5/Drug Offender/Salem City/2025, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz. Raman, aged about 29 years, S/o.Ramamoorthy, presently confined in Central Prison, Salem, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.



WEB COPY



H.C.P.No.1271 of 2025

[M.S.R, J.]

[V.L.N, J.]

22.07.2025

kas

Index: Yes/No

Neutral Citation

Speaking / Non Speaking

To

Additional Chief Secretary to Government
Home, Prohibition & Excise Department,
Fort St. George,
Chennai-600 009.

2.The Commissioner of Police
Salem City
Salem

3.The Superintendent of Prison
Central Prison Salem
Salem

4.The Inspector of Police
Kitchipalayam Police Station
Salem City

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

M.S.RAMESH, J.

AND

V.LAKSHMINARAYANAN, J.

kas



WEB COPY



H.C.P.No.1271 of 2025

H.C.P.No.1271 of 2025

22.07.2025