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HCP No. 1720 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-10-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR**

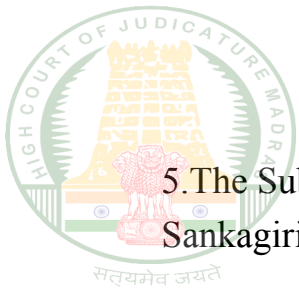
H.C.P No. 1720 of 2025

1. Logaprakash
S/o. Matheswaran, No.1/103,
Kollapalayam, Kolikalnatham,
Tiruchengode Taluk, Namakkal
District.

Petitioner(s)

Vs

1. The Principal Secretary to Government
Home Prohibition and Excise Department,
Secretariat, Chennai-09.
- 2.The District Collector and District Magistrate
Salem District, Salem.
- 3.The Superintendent of Police
Salem District, Salem.
- 4.The Superintendent of Prison
Central Prison, Salem.



5. The Sub Inspector of Police
Sankagiri Police Station, Salem.

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Respondent(s)

PRAYER

The Habeas Corpus Petition is filed for the issuance of a Writ of Habeas Corpus or any other Writ or order in the nature of Writ call for the records in connection with the order of Detention passed by the Second respondent in Connection with the order of Detention passed by the second respondent dated 01.05.2025 in C.M.P.No.03/GOONDA/C2/2025 against the petitioner, namely Logaprakash, Male aged 21 years, S/o. Matheswaran, who is confined at Central Prison, Salem and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty and pass such further or other orders as this Honble Court.

For Petitioner(s): M/s.S.Senthilvel

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

ORDER

J.NISHA BANU J.

and

S.SOUNTAR J.

The petitioner / detenu viz., Logaprakash, S/o Matheswaran, aged about 21 years, confined at Central Prison, Salem, has come forward with this petition challenging the detention order passed by the second respondent dated 01.05.2025 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].

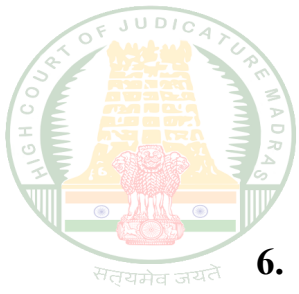
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2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

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 similar case relied upon by the Detaining Authority in CrI.O.P.No.4919 of 2021 dated 11.03.2021 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 similar case relied upon by the Detaining Authority was not properly translated into Tamil version.

5. On a perusal of the booklet, it is seen that Page No.36 of Volume-II of the booklet furnished to the detenu i.e. similar case relied upon by the Detaining Authority in CrI.O.P.No.4919 of 2021, dated 11.03.2021, 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 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



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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 detenu be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed.”*

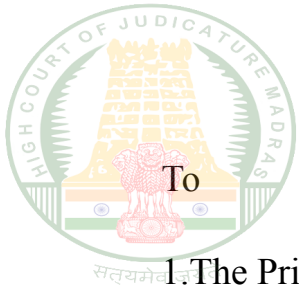
7. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

8. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 01.05.2025 in C.M.P.No.03/GOONDA/C2/2025 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., **Logaprakash, S/o Matheswaran**, aged about 21 years, confined at **Central Prison, Salem**, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

(J.NISHA BANU J.) (S.SOUNTHAR J.)

08-10-2025

ASI



To

1. The Principal Secretary to Government

Home Prohibition and Excise

Department, Secretariat, Chennai-09.

2. The District Collector and District

Magistrate

Salem District, Salem.

3. The Superintendent of Police

Salem District, Salem.

4. The Superintendent of Prison

Central Prison, Salem.

5. The Sub Inspector of Police

Sankagiri Police Station, Salem.

6. The Public Prosecutor,

High Court of Madras, Chennai.



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