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H.C.P.No.1326 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.1326 of 2025

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... Petitioner/Detenue's Wife

-VS-

1. State of Tamil Nadu,
Rep. by the Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai, Tamil Nadu – 600009.
 2. State of Tamil Nadu,
Rep. by The Commissioner of Police,
Greater Chennai Police,
Commissioner office Building,
EVK Sampath Road, Vepery,
Chennai, Tamil Nadu – 600 007.
 3. State of Tamil Nadu,
Rep. by the Superintendent of Prisons,
Central Prison, Puzhal,
Chennai, Tamil Nadu- 600 066.
 4. State of Tamil Nadu,
Rep. by the Inspector of Police,
E-2, Royapettah Police Station,
Tamil Nadu – 600 014.
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records of pertaining to the order of



H.C.P.No.1326 of 2025

detention dated 17.06.2025 passed by the 2nd respondent in TPDA 7214 in Memo No.357/BCDFGISSSV/2025 and quash the same and produce the detainee Seenu, S/o. Murugan male aged about 26 years, who is detained as Goonda in Central Prison Puzhal before this Court and set him at liberty.

For Petitioner : Mr.M.Krishen
For Respondents : Mr.A.Gokulakrishnan
Addl. Public Prosecutor

ORDER

N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.

The petitioner herein, who is the wife of the detainee, namely, Seenu, S/o. Murugan, aged about 26 years, detained at Central Prison, Puzhal, has come forward with this petition, challenging the detention order dated 17.06.2025, passed by the second respondent in Memo No.357/BCDFGISSSV/2025, branding him as a "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 (Tamil Nadu Act 14, of 1982).

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



H.C.P.No.1326 of 2025

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 there was no translated version of the Accident Register at Page No.29 of Vol.I in vernacular language furnished to the detenu. This deprived the detenu from making effective representation. Therefore, on the sole ground, the detention order is liable to be quashed.

4. Learned Additional Public Prosecutor has not refuted the non-supply of the translated version to the detenu.

5. On perusal of the documents available on record, particularly in Page No.29 of the booklet (Vol.I), the translated copy of the Accident Register in vernacular version 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.

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*'



H.C.P.No.1326 of 2025

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 detinue 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 detinue, is imperative. In the said context, the Hon'ble Supreme Court has held in Paragraphs 9 and 16 of th 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 detinue 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 detinue'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 detainee, 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 detainee 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. For the aforesaid reasons, this Habeas Corpus Petition is allowed and the Detention Order passed by the **SECOND RESPONDENT** in **Memo No.357/BCDFGISSSV/2025** dated **17.06.2025**, is hereby set aside. The detainee, viz., **Seenu**, S/o. Murugan, aged 26 years, who is now confined in the **Central Prison, Puzhal, Chennai** is hereby directed to be



H.C.P.No.1326 of 2025

set at liberty forthwith unless his presence is required in connection with
any other case.

(N.S.K,J.,) (M.J.R,J.,)
27.10.2025

Index: Yes / No

Internet: Yes / No

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To:

1. The Additional Chief Secretary,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai, Tamil Nadu – 600009.
2. The Commissioner of Police,
State of Tamil Nadu,
Greater Chennai Police,
Commissioner office Building,
EVK Sampath Road, Vepery,
Chennai, Tamil Nadu – 600 007.
3. The Superintendent of Prisons,
State of Tamil Nadu,
Central Prison, Puzhal,
Chennai, Tamil Nadu- 600 066.
4. The Joint Secretary to Government
Public (Law & Order),
Fort St.George, Chennai-600 009.
5. The Inspector of Police,
E-2, Royapettah Police Station,
Tamil Nadu – 600 014.
6. The Public Prosecutor,
High Court, Madras.



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