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HCP No. 1343 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

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

H.C.P No. 1343 of 2025

1. Akbar Hussain Alias Raju
S/o.Kamal, Door No.3/144,
Arunthathiyar Street, VTC, Irukkur
Post, Paramathi Velur Taluk, Namakkal
District. Confined in Central Prison
Salem.

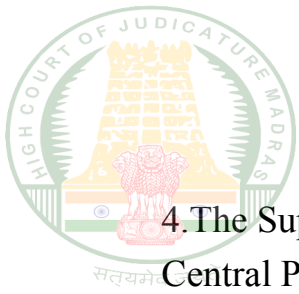
Petitioner(s)

Vs

1. The Additional Chief 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, Namakkal District.



4. The Superintendent of Prison,
Central Prison, Salem, Salem District.

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5. State rep. by its
The Inspector of Police, PEW-
Tiruchengode, Namakkal District.

Respondent(s)

PRAYER

The Habeas Corpus Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the entire records, relating to the petitioner detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 24.05.2025 on the file of the second respondent herein made in proceedings C.M.P.No.55/Drug Offender/2025 (M1), quash the same as illegal and consequently direct the respondents herein to produce the petitioners namely AKBAR HUSSAIN ALIAS RAJU, S/o.Kamal, aged 37 years before this Court and set the petitioner at liberty.

For Petitioner(s): Mr. W.Camyles Gandhi

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

ORDER

J.NISHA BANU J.

and

S.SOUNTHAR J.

The petitioner / detenu viz., Akbar Hussain @ Raju, S/o.Kamal, aged about 37 years, confined at Central Prison, Salem, has come forward with this petition challenging the detention order passed by the second respondent dated

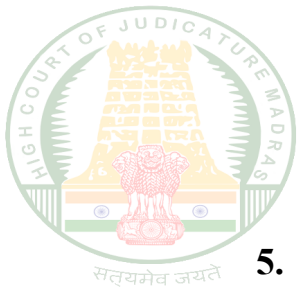


24.05.2025 branding him as "Drug Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

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 Remand Order was not properly translated to Tamil version. Hence, it is submitted that the detenu was deprived of making effective representation.

4. On a perusal of the Booklet, it is seen that Page No.31 of the Volume-I furnished to the detenu, i.e., Remand Order was not properly translated to Tamil version. Therefore, the detenue 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 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 detenue be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed.”*

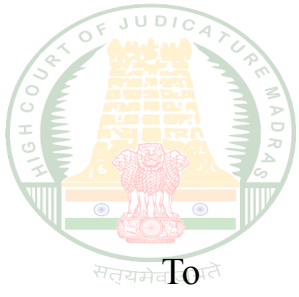
6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 24.05.2025 in C.M.P.No.55/Drug Offender/2025 (M1) is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., **Akbar Hussain alias Raju**, aged 37 years, **S/o.Kamal**, 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.)

23-09-2025

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To
1. The Additional Chief Secretary to Government,
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Department, Secretariat, Fort
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2. The District Magistrate and District
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Namakkal District, Namakkal.

3. The Superintendent of Police,
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6. The Public Prosecutor,
High Court of Madras, Chennai.



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