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H.C.P.No.1359 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

H.C.P.No.1359 of 2025

Nijam Mohammed

... Petitioner/detenuue's brother

-VS-

State of Tamil Nadu Rep. by

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

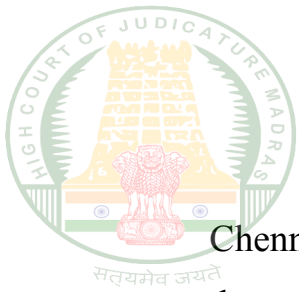
2. The Commissioner of Police,
Chennai District, Chennai.

3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

4. The Inspector of Police,
B-1, North Beach Police Station,
Chennai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records pertaining to the order of detention passed by the 2nd respondent in 286/BCDFGISSSV/2025 dated 28.05.2025 against the petitioner's brother Thiru.Abdul Vahap, S/o.Jahbir Hussain, Male, aged 23 years now confined in Central prison Puzhal,



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Chennai and set aside the same and direct the respondents to produce the detenue before this Court and set him at liberty.

For Petitioner : No Appearance
For Respondents : Mr.A.Gokulakrishnan
Addl. Public Prosecutor

ORDER

(By J.Nisha Banu,J.)

The petitioner herein, who is the brother of the detenue, namely, Abdul Vahab, S/o.Jahbir Hussain, Male, aged 23 years now confined in Central prison Puzhal, Chennai, has come forward with this petition challenging the detention order dated 28.05.2025, passed by the second respondent in 286/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. There is no representation for the petitioner. Heard the learned Additional Public Prosecutor appearing for the respondents.

3. In the affidavit filed in support of this petition, though



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several grounds have been raised to assail the order of detention, the order is liable to be set aside purely on the ground that there was incomplete translation of the Bail Order in Page No.521 of Vol.II 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. On perusal of the documents available on record, particularly in Page No.521 of the booklet (Vol.II), the bail order's conditions (after Para-5) have not been translated and furnished to the detenu in vernacular version. 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



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detenue 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 detenue, 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 detenue 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 detenue'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 detenue, 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 detenuee 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



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and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. For the aforesaid reasons, this Habeas Corpus Petition is allowed and the Detention Order passed by the Second respondent in 286/BCDFGISSSV/2025 dated 28.05.2025, is hereby set aside. The detenue, viz., Abdul Vahab, S/o.Jahbir Hussain, Male, aged 23 years, who is now confined in the Central Prison, Puzhal, Chennai is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

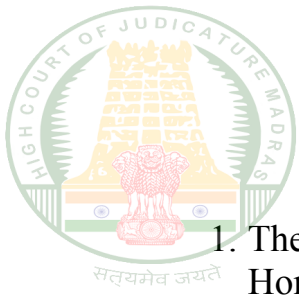
(J.N.B.J.,) (S.S.J.,)
24.09.2025

Index: Yes / No
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J.NISHA BANU, J.
AND
S.SOUNTHAR, J.
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