



H.C.P.No.1408 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.10.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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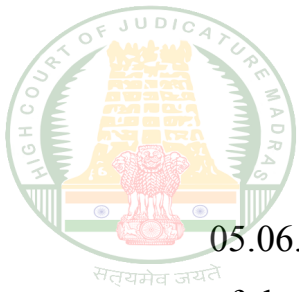
S.M.Pandiyan

... Petitioner

-VS-

1. State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Chennai-600 009.
 2. The District Collector and District Magistrate,
Ariyalur District, Ariyalur.
 3. The Deputy Superintendent of Police,
Jayankondam Sub Division,
Ariyalur District.
 4. The Inspector of Police,
Udayarpalayam Circle,
Ariyalur District.
 5. The Superintendent,
Central Prison,
Tiruchirappalli
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records relating to the detention order in Cr.M.P.No.12/2025 on the file of the 2nd respondent dated



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05.06.2025, quash the same and direct the respondents to produce the corpus of the detainee Vinoth Kumar (M/20), S/o.Pandiyan, who is kept in Central Prison, Trichirappalli before this Court and set him at liberty.

For Petitioner : Mr.S.Doraiswamy
For Respondents : Mr.A.Gokulakrishnan
Addl. Public Prosecutor

ORDER

(By J.Nisha Banu,J.)

The petitioner herein, who is the father of the detainee, namely, Vinoth Kumar, S/o.Pandiyan, aged 20 years, detained at Central Prison, Trichirappalli, has come forward with this petition, challenging the detention order dated 05.06.2025, passed by the second respondent in Cr.M.P.No.12/2025, branding him as a "Sexual Offender", as contemplated under Section 2(ggg) 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.



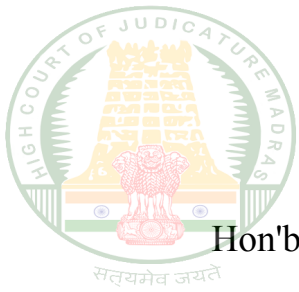
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3. Though learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that there was no translated version of the Memo of Evidence in Page Nos.75 to 78 of Vol.II in vernacular language furnished to the detainee. 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-furnishing of the translated version of the Memo of Evidence to the detainee.

5. On perusal of the documents available on record, particularly in Page Nos.76 to 78 of the booklet (Vol.II), the translated copy of the Memo of Evidence in vernacular version has not been furnished to the detainee. Therefore, the detainee 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



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Hon'ble Supreme Court in '*Powanammal Vs. State of Tamil Nadu*' reported

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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 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



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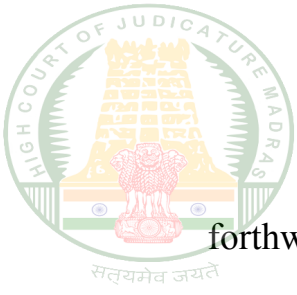
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of document has to be supported by prejudice caused to him in making an effective representation. What applies to a document would equally apply to furnishing a translated copy of the document in the language known to and understood by the detainee, 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 **Cr.M.P.No.12/2025** dated **05.06.2025**, is hereby set aside. The detenu, viz., **Vinoth Kumar**, S/o. Pandiyan, aged 20 years, who is now confined in the **Central Prison, Trichirappalli** is hereby directed to be set at liberty



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

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(J.N.B.J.) (S.S,J.)
09.10.2025

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To:

1. The Principal Secretary,
State of Tamil Nadu
Home, Prohibition & Excise Department,
Secretariat Complex, Chennai-600 009.
2. The Commissioner of Police,
Office of Commissioner of Police,
Greater Chennai-600 007.
3. The Superintendent of Prisons,
Central Prison, Puzhal,
Chennai-600 066.
4. The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Avadi District.
5. The Public Prosecutor,
High Court, Madras.

J.NISHA BANU, J.
AND
S.SOUNTHAR, J.



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