



H.C.P.No.1463 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 17.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

H.C.P.No.1463 of 2025

R.Samboornam

... Petitioner/Mother of detainee

-VS-

1. State Rep. by

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

2. The District Magistrate and
The District Collector,
Tiruppur District, Tiruppur.

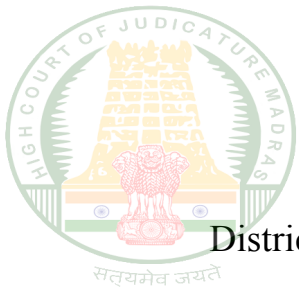
3. The Superintendent of Police,
Tiruppur District, Tiruppur.

4. The Superintendent of Prison,
Central Prison, Coimbatore.

5. The Inspector of Police,
Vellakovil Police Station,
Tiruppur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records in Cr.M.P.No.37/Sexual Offender/2025 dated 16.05.2025 on the file of the District Magistrate and



H.C.P.No.1463 of 2025

District Collector, Tiruppur, the Second respondent herein and quash the same as illegal and direct the respondent to produce the detenu Sibi @ Nithish, S/o. Rajan, aged about 20 years, now confined at District Prison at Tiruppur before this Honble Court and set him at liberty.

For Petitioner : M/s.S.Sengkodi
For Respondents : Mr.A.Gokulakrishnan
Addl. Public Prosecutor

ORDER

(By J.Nisha Banu,J.)

The petitioner herein, who is the mother of the detenu, namely Sibi @ Nithish, S/o. Rajan aged about 20 years, detained at District Prison at Tiruppur, has come forward with this petition challenging the detention order dated 16.05.2025, passed by the second respondent in Cr.M.P.No.37/Sexual Offender/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



H.C.P.No.1463 of 2025

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 the translated version of the Arrest Intimation as found in Page Nos.30 & 31 in Vol.I is improper. 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 Nos.30 & 31 of the booklet (Vol.I), the Arrest Intimation has been improperly translated. 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 detenu should be afforded an opportunity of making



H.C.P.No.1463 of 2025

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 of the 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 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 document in the language known to and understood by the detenu, should the document be in a different language.



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H.C.P.No.1463 of 2025

..... **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.”

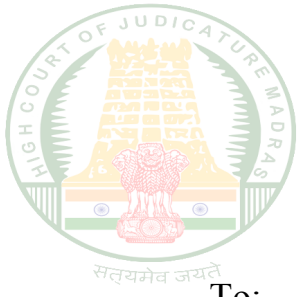
6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. For the aforesaid reasons, the Habeas Corpus Petition is allowed and the Detention Order passed by the Second Respondent in Cr.M.P.No.37/Sexual Offender/2025 dated 16.05.2025, is hereby set aside. The detenu, viz., Sibi @ Nithish, S/o.Rajan, aged 20 years, who is now confined in the District Prison at Tiruppur, 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.,)
17.09.2025

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



H.C.P.No.1463 of 2025

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- To:
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 2. The District Magistrate and
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H.C.P.No.1463 of 2025

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