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HCP.No.1507 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.10.2025

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1507 of 2025

Sumithra

... Petitioner

Versus

1. The Secretary to the Government
Home, Prohibition and Excise Department
Secretariat, Chennai – 600 009
2. The District Collector and District Magistrate of
Kancheepuram, Kancheepuram District
3. The Superintendent of Police
Kancheepuram, Kancheepuram District
4. The Superintendent
Central Prison
Puzhal, Chennai
5. State Rep.by
The Inspector of Police
Ponnerikarai Police Station
Kancheepuram District

.. Respondents



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Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the 2nd respondent dated 12.06.2025 in Rc.No.538/2025/M6-D.O.17/2025 against the petitioner husband Venkatesan, M/28 years, son of Elumalai, who is confined at Central Prison, Puzhal, Chennai and set aside the same and consequently direct the respondents to produce the detenu before this Court and set him at liberty

For Petitioner : Mr.A.Saranraj

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner, who is the wife of the detenu Venkatesan, male, aged 28 years, son of Elumalai, has come forward with this petition challenging the detention order passed by the second respondent dated 12.06.2025 bearing reference Rc.No.538/2025/M6-D.O.17/2025 slapped on her husband, branding him as "Drug Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].



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

3. Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for the petitioner mainly focused his argument on the ground that the language known to the detenu is Tamil but the Forensic report which was relied on by the authorities was furnished to the detenu other than the language known to the detenu, which prevented him from making an effective representation against the detention order. Hence, the impugned order is liable to be set aside.

4. Per contra, learned Additional Public Prosecutor submits that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.

5. A perusal of the booklet would disclose that the translated version of the Forensic report was not furnished to the detenu in a language known to him, thereby the detenu has been put to prejudice and is deprived of making



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an effective representation for revocation of the detention order. The non furnishing of translated version of document relied on by the detaining authority particularly when the detenu is not conversant with the language violates his constitutional rights and can vitiate the detention order. Hence, on this ground, the impugned order of detention is vitiated and is liable to be quashed.

6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the 2nd respondent dated 12.06.2025 in Rc.No.538/2025/M6-D.O.17/2025 is hereby set aside and. The detenu viz., Venkatesan, male, aged 28 years, S/o.Elumalai is directed to be set at liberty forthwith unless he is required in connection with any other case.

[N.S.K.,J.] [M.J.R.,J.]
24.10.2025

Index: Yes/No
Neutral Citation: Yes/No
gpa



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5. The Inspector of Police
Ponnerikarai Police Station
Kancheepuram District
6. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
7. The Public Prosecutor
High Court, Madras.



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