



HCP.No.2594 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

H.C.P.No.2594 of 2024

SANGEETHA

... Petitioner/ wife of the detenue

Vs.

1. The Joint Secretary (COFEPOSA)
Government Of India, Ministry Of
Finance, Department Of Revenue,
Central Economic Intelligence
Bureau, 6th Floor, B Wing Janpath
Bhawan, Janpath, New Delhi - 110
001.

2.The Director General,
Central Economic Intelligence
Bureau, Government Of India,
Ministry Of Finance, Department Of
Revenue, 6th Floor, B Wing
Janpath Bhawan, Janpath, New
Delhi - 110 001.

3.The Superintendent,
Central Prison Puzhal, Chennai - 600 066.

... Respondents



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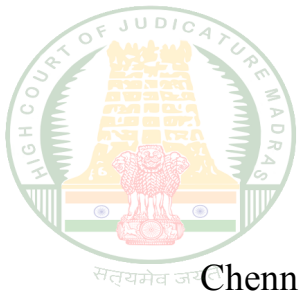
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the or person of the detainee, the petitioner's husband by name S.Ravikumar S/o. A.Selvakumar, now detained in Central prison, Puzhal, Chennai vide order of the Detention order No.PD.No.12002/02/2024-COFEPOSA dated 31.07.2024 on the file of the 1st Respondent and set aside the same and set the detainee / petitioner's husband viz., S. Ravikumar S/o. A.Selvakumar at Liberty.

For Petitioner	: Mr.R.Anbukarasu for Mr.K.Mahendran
For Respondents	: Mr.A.R.L.Sundaresan, ASG assisted by Mr.V.Chandrasekaran for R1 and R2 R.Muniyapparaj Additional Public prosecutor assisted by Mr.M.Sylvester John for R3

ORDER

M.S.RAMESH, J.
AND
N.SENTHILKUMAR, J.

The petitioner herein, who is the wife of the detenu namely S.Ravikumar S/o. A.Selvakumar, detained in Central prison, Puzhal,



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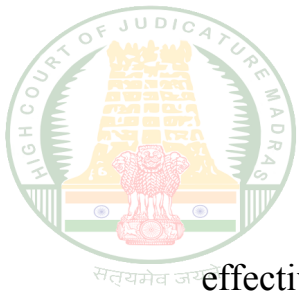
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Chennai, has come forward with this petition challenging the detention order passed by the first respondent dated 31.07.2024 issued against her husband under Section 3(1) of the Conservation of Foreign Exchange & Prevention of Smuggling Activities (COFEPOSA) Act, 1974.

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. Though the 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 Page 53 of the booklet is written in the Thai language, which is unknown 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, this Court finds that the document relied upon by the detaining authority and sponsoring authority, which found place in Page 53 of the booklet, is a language unknown to the petitioner. Therefore, the detenu is deprived from making



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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 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



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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 first respondent on 31.07.2024 in No.PD.No.12002/02/2024-COFEPOSA, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., S.Ravikumar S/o. A.Selvakumar, now detained in Central prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[M.S.R., J]

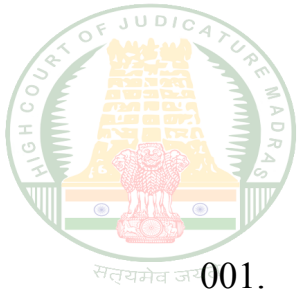
[N.S., J]

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No
Anu

To

1. The Joint Secretary (cofeposa)
Government Of India, Ministry Of
Finance, Department Of Revenue,
Central Economic Intelligence
Bureau, 6th Floor, B Wing Janpath
Bhawan, Janpath, New Delhi - 110



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4.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.

5.The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

Anu

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