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H.C.P.No.1655 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

H.C.P.No.1655 of 2025

Prakasam

... Petitioner/Detenuue's Father

-VS-

The State Rep. by its

1. The Additional Chief Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

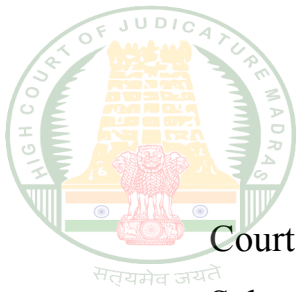
2. The Commissioner of Police,
Office of the Commissioner of Police,
Salem City, Salem.

3. The Inspector of Police,
Kitchipalayam Police Station,
Salem City.

4. The Superintendent of Prison,
Central Prison, Salem,
Salem-636 007.

... 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 dated 02.04.2025 passed by the 2nd respondent in C.M.P.No.11/Goonda/Salem City/2025, quash the same and produce the detenuue, Thamaraiselvan, aged about 35 years, S/o.Prakasam, before this



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Court and set him at liberty and the detenue now confined in Central Prison Salem.

For Petitioner : Mr.D.Mario Johnson
For Respondents : Mr.A.Gokulakrishnan
Addl. Public Prosecutor

ORDER

(By J.Nisha Banu,J.)

The petitioner herein, who is the father of the detenue, namely, Thamaraiselvan, S/o.Prakasam, aged about 35 years, detained at Central Prison Salem, has come forward with this petition, challenging the detention order dated 02.04.2025, passed by the second respondent in C.M.P.No.11/Goonda/salem City/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. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Though learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his



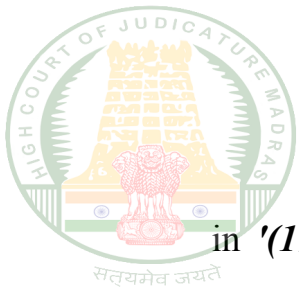
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argument on the ground that there was no translated version of the particulars of witness examined in the Final Report at Page No.151 of Vol.I in vernacular language furnished to the detenue. This deprived the detenue from making effective representation. Therefore, on the sole ground, the detention order is liable to be quashed.

4. Learned Additional Public Prosecutor has not refuted the non-supply of translated version to the detenue.

5. On perusal of the documents available on record, particularly in Page No.152 of the booklet (Vol.I), the translated copy of the particulars of witness examined in the Final Report in vernacular version has not been furnished to the detenue. Therefore, the detenue 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 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 detainee 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 detainee, 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 detainee 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 detainee's complaint of non-supply of document has to be supported by prejudice caused to him in



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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 **C.M.P.No.11/Goonda/salem City/2025** dated **02.04.2025**, is hereby set aside. The detainee, viz., **Thamaraiselvan**, S/o.Prakasam, aged 35 years, who is now confined in the **Central Prison, Salem** is hereby directed to be set at liberty forthwith unless his presence is required in connection with any



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other case.

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(J.N.B.J.,) (S.S.J.,)
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To:

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Prohibition and Excise Department,
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2. The Commissioner of Police,
Office of the Commissioner of Police,
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4. The Superintendent of Prison,
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5. The Public Prosecutor,
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