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HCP.No.1746 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No. 1746 of 2025

Kalaiarasi
W/o.Nataraj

... Petitioner/
Wife of the detenu

Versus

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.
2. The Commissioner of Police,
O/o.The Commissioner of Police,
Greater Chennai,
Chennai – 600 007.
3. The Superintendent,
Central Prison, Puzhal-II,
Puzhal, Chennai – 600 066.
4. State rep.by
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Kodungaiyur, Chennai.

.. 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, calling for the records relating to the detention order passed by the 2nd respondent in No.335/BCDFGISSSV/2025 dated 09.06.2025 against petitioner's husband branding him as "Drug Offender" and quash the same and direct the respondent to produce petitioner's husband Thiru.Nataraj, son of Samiyappan, aged about 60 years, now confined at Central Prison, Puzhal-II, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.K.Venkatesan

For Respondents : Mr.R.Munniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

(Order of the Court was made by P.VELMURUGAN J.)

The petitioner, who is the wife of the detenu, Nataraj, S/o.Samiyappan, aged about 60 years, has come forward with this petition challenging the detention order passed by the second respondent dated 09.06.2025 bearing reference No.335/BCDFGISSSV/2025, slapped on her husband, Nataraj, S/o.Samiyappan, now confined in Central Prison, Puzhal-II, Chennai branding him as "Drug Offender" under the Tamil Nadu



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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. We have heard the submissions made by the learned counsel for both sides and perused the materials placed on record.

3. Though several grounds have been raised in the petition, Mr.K.Venkatesan, learned counsel for the petitioner, has primarily assailed the impugned detention order only on the ground of non-supply of the copy of the alteration report in the ground case, which has been specifically referred to in the grounds of detention. It is contended that the non-furnishing of such a vital document has prejudiced the detenu in making an effective representation against the order of detention. Hence the impugned order is vitiated and liable to be set aside.

4. Per contra, Mr.R.Muniyapparaj, the learned Additional Public



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submitted 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. It is seen from paragraph No.2 of the Grounds of Detention that the ground case in Crime No.335 of 2025 was initially registered for the offences under Sections 8(c) read with 20(b)(ii)(B) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 and was subsequently altered to Sections 8(c) read with 20(b)(ii)(C), 25 and 29(1) of the said Act. However, on a perusal of the booklet furnished by the Prosecution to the detenu, it is evident that it does not contain the alteration report relating to the ground case. The non-supply of this vital document, which forms the basis of the altered charges, has prejudiced the detenu and deprived him of an opportunity to make an effective representation for revocation of the detention order. In view of the settled legal principle that non-furnishing of essential documents referred to in the grounds of detention vitiates the order, the impugned order of detention stands vitiated and is liable to be quashed on this ground alone.



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6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the 2nd respondent dated 09.06.2025 in No.335/BCDFGISSSV/2025 is hereby quashed and the detenu Nataraj, S/o.Samiyappan, aged about 60 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[P.V.,J.] [M.J.R.,J.]
11.12.2025

Index: Yes/No
Neutral Citation: Yes/No
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To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.
2. The Commissioner of Police,
O/o.The Commissioner of Police,
Greater Chennai, Chennai – 600 007.
3. The Superintendent,
Central Prison, Puzhal-II,
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5. The Public Prosecutor
High Court, Madras.



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M.JOTHIRAMAN, J.,

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