



HCP No.1831 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

HCP No.1831 of 2025

Rani
W/o.Durai,
No.1/64, Perumal Koil Street, Thundalam,
Chennai - 600 077.

Petitioner(s)

Vs

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

2.The Commissioner of Police,
Greater Chennai, Office of the Commissioner of Police
(Goondas Section), Vepery, Chennai - 600 007.

3.The Superintendent of Prison
Central Prison, Puzhal, Chennai.

4.The Inspector of Police,
T-5, Vanagaram Police Station, Chennai District.

Respondent(s)



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Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records relating to the detention order *vide* No.416/BCDFGISSSV/2025 dated 27.06.2025, passed by the second respondent and quash the same and direct the respondents herein to produce the petitioner's son *viz.* Baba @ Prasanth, S/o.Durai, aged about 26 years, (who is presently under going detention in the Central Prison, Puzhal), before this Court and set him at liberty.

For Petitioner(s): Mr.A.Tamilselvan

For Respondent(s): Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(made by N.Sathish Kumar, J.)

The petitioner, who is the mother of the detenu Baba @ Prasanth, S/o.Durai, aged about 26 years, has come forward with this petition challenging the detention order passed by the second respondent dated 27.06.2025 bearing reference No.416/BCDFGISSSV/2025 slapped on her son, branding him as "Goonda" 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].

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 memo of evidence pertaining to the adverse case translated in Tamil were not served on the detenu and the same has 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



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version of the memo of evidence pertaining to the adverse case at page nos.67 & 68 in Volume-II of the booklet 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 an effective representation for revocation of the detention order. The non-furnishing of translated version of document(s) 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.

In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 27.06.2025 in No.416/BCDFGISSSV/2025 is hereby set aside. The detenu Baba @ Prasanth, S/o.Durai, aged about 26 years, 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.)

28.10.2025

nsd
Index:Yes/No
Speaking/Non-speaking order



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Internet: Yes

Neutral Citation: Yes/No

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To

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Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai, Office of the Commissioner of Police
(Goondas Section), Vepery, Chennai - 600 007.

3.The Superintendent of Prison
Central Prison, Puzhal, Chennai.

4.The Inspector of Police,
T-5, Vanagaram Police Station, Chennai District.

5.The Public Prosecutor,
Madras High Court, Chennai.

6.The Joint Secretary to Government,
Public (Law and Order),
Fort St.George, Chennai – 9.



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and
M.JOTHIRAMAN, J.

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