



WEB COPY



H.C.P.No.1903 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.1903 of 2025

Banupriya

...Petitioner/Detenue's sister

-VS-

1 . The State of Tamil Nadu

The Additional Chief, Reptd. by its
Secretary to Government (Home)
Prohibition and Excise Department
Secretariat Fort St. George Chennai-6

2. The District Magistrate and

the District Collector Namakkal Namakkal
District.

3. The Superintendent of Police

Namakkal District Namakkal.

4. The Superintendent of Prison

Central Prison Salem District.

5. The Inspector of Police

Nallur Police Station, Namakkal District.

... 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 passed in his proceedings in C.M.P.No.64/GOONDA/2025/M1



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dated on 02.07.2025 passed by the 2nd respondent and set aside the same and directing the respondents to produce the petitioner's brother by name Anantharaj, S/o. Palanisamy aged about 29 years before this court now confined in central prison salem and set him at liberty.

For Petitioner : Mr.C.Deepakkumar

For Respondents : Mr.A.Gokulakrishnan

Addl. Public Prosecutor

ORDER

The petitioner herein, who is the sister of the detenue, namely, Anantharaj, S/o. Palanisamy aged about 29 years, detained at Central Prison, Salem, has come forward with this petition, challenging the detention order dated 02.07.2025, passed by the second respondent in C.M.P.No.64/GOONDA/2025/M1, 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.



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3. Though 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 the translated version of the Arrest Intimation Form as found in Page Nos.49 & 51 is improper. 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, particularly Page Nos.49 & 51 of the booklet (Vol.I), the Arrest Intimation Form has not been properly translated in its entirety. Therefore, the detenu is deprived from making 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



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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 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 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 detenu 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



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and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. For the aforesaid reasons, this Habeas Corpus Petition is allowed and the Detention Order passed by the 2nd respondent in C.M.P.No.64/GOONDA/2025/M1 dated 02.07.2025, is hereby set aside. The detainee, viz., Anantharaj, S/o. Palanisamy aged about 29 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 other case.

(N.S.K,J.,) (M.J.R,J.,)
30.10.2025

Index: Yes / No
Internet: Yes / No
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N.SATHISH KUMAR, J.
AND

