



WEB COPY



H.C.P.No.3209 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

H.C.P.No.3209 of 2024

Selvam

... Petitioner

Vs.

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

2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai-600 007.

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

4.The Inspector of Police,
K-2 Ayanavaram Police Station,
Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to



H.C.P.No.3209 of 2024

issue a Writ of Habeas Corpus, calling for the records in No.1133/BCDFGISSSV/2024 dated 18.11.2024 on the file of the 2nd respondent herein and set aside the same as illegal and produce the detenu namely Salamon @ Chinrasu, S/o.Selvam, aged about 26 years, who is confined at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.Ilayaraja Kandasamy
For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

(Order of the Court was made by *M.S. RAMESH, J.*)

The petitioner herein, who is the father of the detenu namely Salamon @ Chinrasu, aged about 26 years, has come forward with this petition challenging the detention order passed by the second respondent dated 18.11.2024 issued against his son, branding him as "Goonda" under 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].



H.C.P.No.3209 of 2024

WEB COPY

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

3. Though several points have been raised in this Habeas Corpus Petition, the learned counsel for the petitioner stated that the detention order is liable to be quashed on the ground that the detenu was furnished with illegible copy of the confession statement of the co-accused. Hence, it is submitted that the detenu was deprived of making effective representation.

4. On a perusal of the Booklet particularly in page No.29 of Volume - 2, it is seen that some lines in the confession statement of the co-accused are not clear and the said document is illegible. This furnishing of illegible copy of the vital document would deprive the detenu of making effective representation to the authorities against the order of detention.

5. In this context, it is useful to refer to the judgment of the Hon'ble Supreme Court in the case of '*Powanammal Vs. State of Tamil Nadu*' reported in '*(1999) 2 SCC 413*'. The Hon'ble Supreme Court, after



H.C.P.No.3209 of 2024

WEB COPY

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



WEB COPY



H.C.P.No.3209 of 2024

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

7. Accordingly, the detention order passed by the second respondent on 18.11.2024 in No.1133/BCDFGISSSV/2024, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Salamon @



H.C.P.No.3209 of 2024

WEB COPY

Chinrasu, aged about 26 years, S/o.Selvam, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[M.S.R, J.]

[N.S, J.]

22.04.2025

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Sni



H.C.P.No.3209 of 2024

WEB COPY To

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

2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai-600 007.

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

4.The Inspector of Police,
K-2 Ayanavaram Police Station,
Chennai.

5.The Public Prosecutor,
High Court, Madras.

6.The Joint Secretary, Public (Law & Order),
Chennai – 600 009.



WEB COPY



H.C.P.No.3209 of 2024

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

Sni

H.C.P.No.3209 of 2024

22.04.2025