



HCP.No.3282 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

H.C.P.No.3282 of 2024

M.Jothi

... Petitioner

Vs.

1.Government of Tamilnadu, rep, by its
The Additional Secretary
Secretary, Home, Prohibition
and Excise Department,
Secretariat, Chennai – 600 009.

2.The District Collector and District Magistrate
Krishnagiri District

3.The Superintendent of Police
The Superintendent of Police Office
Krishnagiri District

4.The Superintendent of Central Prison,
Central Prison
Salem District

5.The Inspector of Police
AWPS Uthangarai Police Station
Uthangarai
Krishnagiri District

... Respondents

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



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issue a Writ of Habeas Corpus, calling for the records in detention order passed in S.C.No.41 of 2024, dated 07.11.2024 on the file of the 2nd respondent herein and quash the same and direct the respondents herein to produce the petitioner's brother detenu Kanagavel, S/o.Seetharaman, 40 years, now confined in Central Prison, Salem District before this Court and set him at liberty.

For Petitioner : Mr.V.Vasudevan
For Respondents : Mr.M.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

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

The petitioner herein, who is the sister of the detenu viz. Kanagavel, aged about 40 years, S/o. Seetharaman, has come forward with this petition challenging the detention order passed by the second respondent dated 07.11.2024 slapped on her brother, branding him as "Sexual Offender" 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].



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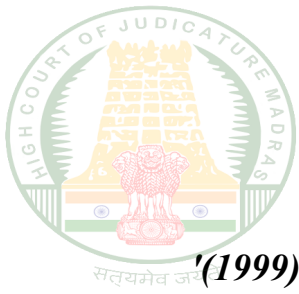
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2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds are raised in the petition, the learned counsel for the petitioner pointed out that the Accident Register given to the detenu has not been translated in vernacular language. In this circumstances, the learned counsel for the petitioner stated that serious prejudice has been caused to the petitioner for making effective representation.

4. On a perusal of the Booklet, it is seen that page No.16 is the English version of the Accident Register which has not been translated in Tamil. Since the specific stand has been taken that serious prejudice is caused to the petitioner, this Court finds that the failure to furnish the translated copy of the Accident Register, vitiates the Detention Order.

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



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'(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 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



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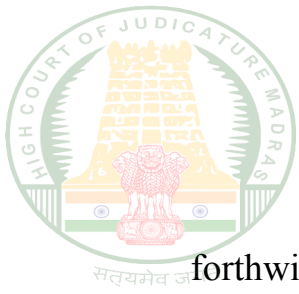
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to be supported by prejudice caused to him in making an effective representation. What applies to a document would equally apply to furnishing a translated copy of the document in the language known to and understood by the detenu, should the document 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 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. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 07.11.2024 in S.C.No.41 of 2024, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Kanagavel, aged about 40 years, S/o. Seetharaman, is directed to be set at liberty



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forthwith, unless his confinement is required in connection with any other

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case. No costs.

[M.S.R, J]

[N.S, J]

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Index: Yes/No

Neutral Citation: Yes/No

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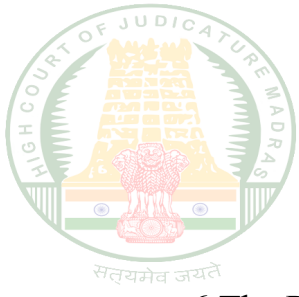
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6. The Public Prosecutor
High Court of Madras
Chennai 600 104



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