



HCP.No.2130 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2025

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2130 of 2025

Jayanthi

... Petitioner

Versus

1. State of Tamil Nadu
Represented by Principal Secretary
Home, Prohibition and Excise Department
Fort St.George
Chennai – 600 009
2. The Commissioner of Police
Tambaram City
Chennai District
3. The Superintendent
Central Prison, Puzhal



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Chennai

4. The Inspector of Police

T-15, Kannagi Nagar Police Station

Chennai District

Crime No.253 / 2025

.. Respondents

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 vide Memo No.BBCDEFGISSSV No.84/2025 dated 24.07.2025 passed by the second respondent and quash the same and direct the respondents herein to produce petitioner son, namely B.Nareshkumar, aged about 20 years, S/o.Baskar (who is now confined in Central Prison, Puzhal) before this Court and set him at liberty.

For Petitioner : Mr.V.Saravanan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner, who is the mother of the detenu B.Nareshkumar, aged about 20 years, S/o.Baskar, has come forward with this petition challenging the detention order passed by the second respondent dated 24.07.2025



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bearing reference BBCDEFGISSV No.84/2025 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 arrest intimation enclosed in the booklet was not properly translated in Tamil, which prevented him from making an effective representation against the detention order. Hence



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the impugned order is liable to be set aside.

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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. The arrest intimation form in English is enclosed at page No.57 of the booklet served on the detenu, but the same translated in Tamil has not been enclosed in the booklet. As the detenu is conversant only in Tamil, the non-furnishing of arrest intimation form in Tamil, deprived him from making an effective representation for revocation of the detention order. Further, the non furnishing of translated version of document 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



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is liable to be quashed.

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6. 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 representation effectively against the Detention Order and that, the failure to supply every material 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



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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 detainee'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 detainee, 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 detainee be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed.”

7. In view of the ratio laid down by the Hon'ble Supreme Court and in



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

8. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 24.07.2025 in Memo BBCDEFGISSSV No.84 of 2025 is hereby set aside and the detenu viz., B.Nareshkumar, S/o.Baskar, male, aged 20 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.]
24.11.2025

Index: Yes/No

Neutral Citation: Yes/No

gpa

To

1. The Principal Secretary
Home, Prohibition and Excise Department
Fort St.George



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Chennai – 600 009

2. The Commissioner of Police

Tambaram City

Chennai District

3. The Superintendent

Central Prison, Puzhal

Chennai

4. The Inspector of Police

T-15, Kannagi Nagar Police Station

Chennai District

5. The Joint Secretary to Government

Public (Law & Order)

Fort Saint George, Chennai – 9

6. The Public Prosecutor

High Court, Madras.



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