

H.C.P(MD)No.462 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2025

CORAM:

**THE HONOURABLE Mr.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE Mr.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD) No.462 of 2025

Arunkumar alias Sullan

... Petitioner

Vs

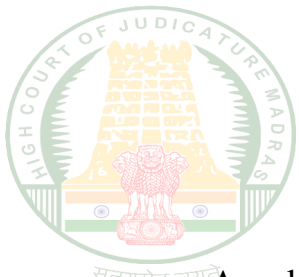
1. The State of Tamilnadu Rep By,
The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 9.

2. The Commissioner of Police,
O/o.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

3. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the entire records, connected with the detention order of the Respondent No.2 in Detention Order No. 14/BCDFGISSSV/2025 dated 10.02.2025 and quash the same and direct the respondents to produce the body or person of the detenu by name



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Arunkumar alias Sullan, S/o.Anburaj, aged about 38 years, now detained as “Goonda” at Palayamkottai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Ramesh Kumar

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor

ORDER

(Order of the Court was made by C.V.KARTHIKEYAN,J.)

The petitioner is the detenu viz., Arunkumar alias Sullan, S/o.Anburaj, aged about 38 years. The detenu has been detained by the second respondent by Detention Order in Detention Order No. 14/BCDFGISSSV/2025 dated 10.02.2025 holding him to be a 'Goonda', as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.



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3. Though several points have been raised by the learned counsel for the petitioner, it is stated that the detention order is liable to be quashed on the ground that the detenu was furnished with the copy of the 'order of detention of custody' relied on by the Detaining Authority, more particularly at Page No.109 of the booklet and the order of detention of custody furnished to the detenu, has not been properly translated in the vernacular language at Page No.113 of the booklet. Hence, it is submitted that the detenu was deprived of making effective representation.

4. On a perusal of the Booklet, it is seen that Page No.113 of the Booklet, which is the 'order of detention of custody', furnished to the detenu, has not been properly translated in the vernacular language. This improper translation of vernacular language 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 Honourable Supreme Court in the case of *Powanammal vs. State of Tamil Nadu*, reported in (1999) 2 SCC 413, wherein the Apex Court,



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after discussing the safeguards embodied in Article 22(5) of the Constitution of India, observed that the detenu should be afforded an opportunity of making a 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. The relevant portion of the said decision is extracted hereunder:

"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.

....



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16. For the above reasons, in our view, the nonsupply 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. We find that the above cited **Powanammal's** case applies in all force to the case on hand as we find that the improper translation of the order of detention in custody made by the authority concerned, which is available at Page No.113, in the vernacular language of the Booklet. The furnishing of improper translation in the vernacular language has impaired his constitutional right to make an effective representation against the impugned preventive detention order. To be noted, this constitutional right is ingrained in the form of a safeguard in Clause (5) of Article 22 of the Constitution of India. We, therefore, have no hesitation in quashing the impugned detention order.

7. In the official translation of the Criminal Rules of Practice, 2019, published by the Madras High Court, the translation had been given by the Office of Theerppu Thirattu attached to the Madras High Court, the proforma of Form No.14 under Rule 6(8) of the Tamil



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Nadu Criminal Rules of Practice as provided under Section 167 of the Criminal Procedure Code had been given. The following is the scanned copy of the form in Tamil:

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நீதிமன்றப் படிவ எண் 14
(விதி 6(8)-ஐ காண்க)
குற்றஞ்சாட்டப்பட்டவரை தடுப்புக்காவலில் வைப்பதற்கான ஆணையின் படிவம்
(கு.வி.மு.ச., பிரிவு 167)

பெறுநர்
கண்காணிப்பாளர் / பொறுப்பவரவர்,
..... சிறை,

இந்திய தண்டனை தொகுப்புச் சட்டத்தின் பிரிவுஇன்/சட்ட எண்/ 20.....-இன் கீழ் ஒரு குற்றச் செயலுக்காக மீதான குற்றச்சாட்டு, 1973-ஆம் ஆண்டு குற்றவியல் விசாரணைமுறை தொகுப்புச் சட்டத்தின் XII-ஆம் அத்தியாயத்தின் வகைமுறைகளின் கீழ் புலனாய்வு செய்யப்பட்டுவருவதாகத் தெரிவதாலும், அப்புலனாய்வு மேற்படி தொகுப்புச் சட்டத்தின் பிரிவு 57-இன்படி நிர்ணயிக்கப்பட்ட 24 மணிநேரத்திற்குள் முடிக்கப்பட இயலாது என்பதாலும், மேற்படி நபருக்கு எதிரான குற்றச்சாட்டுக்கும்/தகவலுக்கும் அடிப்படை உள்ளது என நம்புவதற்கு காரணங்கள் உள்ளன என்பதாலும், குற்றஞ்சாட்டப்பட்டவர் இந்நீதிமன்றத்திற்கு உரியமுறையில் அனுப்பிவைக்கப்பட்டுள்ளதாலும், மேற்படி.....ஐ நாட்கள் காவலிலடைப்பதற்கும்*, அவரை 20.....-ஆம் ஆண்டு திங்கள்-ஆம் நாளன்று மணியளவில் அமரும் நீதிமன்றம் முன்பாக முன்னிலைப்படுத்துவதற்கு ஆவன செய்யவேண்டுமென்றும் தங்களுக்கு அதிகாரமளிக்கப்படுகிறது.

விவரப் பட்டியல்

- 1.பெயர்
- 2.தந்தையின் பெயர்
- 3.பாலினம், திருமணமானவரா, திருமணமாகாதவரா
- 4.இனம், மதம் மற்றும் சாதி
- 5.முந்தைய தொழில்
- 6.வயது
- 7.அடையாள விவரங்கள்

குறிப்பு - குறைந்தபட்சம் மூன்று அடையாளக் குறிகள் கொடுக்கப்படவேண்டும்.

20.....-ஆம் ஆண்டு.....திங்கள்-ஆம் நாளன்று என்னுடைய கையெழுத்துடன் நீதிமன்ற முத்திரையிட்டு வழங்கப்படுகிறது.

நடுவர்

(முத்திரை)

*காவலிலடைப்பது என்பது நடுவர் தக்கதெனக் கருதுகிறவாறு இருக்கலாம்.



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8. A direction is issued to the Additional Chief Secretary to the Government, Government of Tamil Nadu, Home, Prohibition and Excise Department, Chennai – 9, to ensure that the Form in Tamil which had already been printed may be used by the Sponsoring Authority when they attempt to translate the printed forms as given in Criminal Rules of Practice. In the instance case, the detention order had been quashed only because the printed form as available in English had been translated free hand, whereby the printed form as scanned above could have been used.

9. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No.14/BCDFGISSSV/2025 dated 10.02.2025 passed by the second respondent is set aside. The detenu, viz., Arunkumar alias Sullan, S/o.Anburaj, aged about 38 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(C.V.K., J.) (R.V., J.)

18.09.2025

vsm

Index : Yes / No

NCC : Yes / No

Note: Registry is directed to mark a copy of this order to Additional Chief Secretary to the Government, Government of Tamil Nadu, Home, Prohibition and Excise Department, Chennai – 9.



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C.V.KARTHIKEYAN, J.

and

R.VIJAYAKUMAR, J.

vsm

To

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 9.
2. The Commissioner of Police,
O/o.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.
3. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P.(MD) No.462 of 2025

18.09.2025