



H.C.P.(MD)No.565 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD)No.565 of 2025

Jeyakalpitha

... Petitioner

-VS-

The State of Tamilnadu, Rep By,

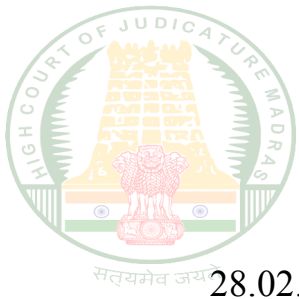
1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.

2. The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.

3. The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the records pertaining to the impugned detention order passed by the 2nd respondent made in his proceedings in C.No.20/Detention/C.P.O/TC/2025 dated



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28.02.2025 in detaining the detenu under Section 2(f) of the Tamilnadu Act 14 of 1982 as a 'Goonda' and quash the same and direct the respondents to produce the detenu namely Gopalakrishnan, S/o.Marimuthu, Male, aged about 23 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran

For Respondents : Mr.A.Thiruvadikumar,
Addl. Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu namely Gopalakrishnan, S/o.Marimuthu, aged about 23 years. The detenu had been detained by the second respondent by his order in C.No. 20/Detention/C.P.O/TC/2025 dated 28.02.2025, 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.



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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.

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 not furnished with the copy of the 'Remand extension Order' relied on by the Detaining Authority. Hence, it is submitted that the detenu was deprived of making effective representation.

4. On a perusal of the Booklet at page No.79, it is seen that the 'Remand extension Order', was not furnished to the detenu. This non-furnishing of the vital document would deprive the detenu of making effective representation to the authorities against the order of detention.



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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, 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



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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 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. The non-furnishing of remand extension order to the detenu, 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.



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7. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.20/Detention/C.P.O/TC/2025 dated 28.02.2025 passed by the second respondent is set aside. The detenu, viz., Gopalakrishnan, S/o.Marimuthu, aged about 23 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.]

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vsm

NCC :Yes/No

Index: Yes/No

Internet: Yes/No



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2. The Commissioner of Police,
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Tiruchirappalli.
3. The Superintendent of Prison,
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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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