



H.C.P.(MD) No.1052 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2025

CORAM:

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

H.C.P.(MD) No.1052 of 2025

Papathi

... Petitioner

Vs

1. The State of Tamilnadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 9..

2. The District Magistrate And District Collector,,
Karur District, Karur..

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records relating to the detention order in Cr.M.P.No.11/2025 dated 28.02.2025 passed by the 2nd respondent under the Tamil Nadu Act 14/1982 and set aside the same and direct the respondents to produce petitioners son namely Mariyappan, S/o.Late.Pandiyan aged about 31 years the detenu, now confined in central prison, Trichy before this court and set him at liberty.



H.C.P.(MD) No.1052 of 2025

For Petitioner : Mr.K.Sathishkumar
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu Mariyappan aged about 31 years. The detenu has been detained by the second respondent vide his order dated 28.02.2025 in Cr.M.P.No.11/2025 holding him to be a "Sexual offender", as contemplated under Section 2(ggg) of the 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.

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 Accident Register copy has not been



H.C.P.(MD) No.1052 of 2025

completely translated.

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4. On a perusal of the Booklet, it is seen that Page No.45 of the Booklet, which is the 'Accident Register' dated 09.02.2025 of the victim, furnished to the detenu, which is in English version had been improperly translated by the sponsoring authority in vernacular language, which is found at Page No.47. This improper translation 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, 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:

Page 3 of 7



H.C.P.(MD) No.1052 of 2025

"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.

...

...

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."



H.C.P.(MD) No.1052 of 2025

WEB COPY

6. We find that the above cited *Powanammal*'s case applies in all force to the case on hand. The improper translation of accident register has impaired the Constitutional right of the detenu 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 result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.11/2025 dated 28.02.2025 passed by the second respondent is set aside. The detenu, Mariyappan S/o.Pandiyan, aged 31 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.]

05.11.2025

NCC : Yes / No
Index : Yes / No
RR



H.C.P.(MD) No.1052 of 2025

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3. The Superintendent of Prison,,
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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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H.C.P.(MD) No.1052 of 2025

C.V. KARTHIKEYAN, J.
AND
R.VIJAYAKUMAR, J.

RR

H.C.P.(MD) No.1052 of 2025

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