



H.C.P.(MD)No.1046 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2025

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

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Selvaraj

... Petitioner/
Father of the Detenu

-VS-

State of Tamil Nadu Rep. by

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The District Collector and District Magistrate,
Theni District, Theni.

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

... 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 second respondent made in his proceedings in Detention Order No.9 of 2025 dated 18.03.2025 in detaining the detenu under Section 2(ggg) of the



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Tamilnadu Act 14 of 1982 as a Sexual Offender and quash the same and direct the respondents to produce the detenu namely Jayaram, S/o.Selvaraj, male, aged about 28 years, who is detained at Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.A.Mithunchakravarthi
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.K. ILANTHIRAIYAN,J.**)

The petitioner is the father of the detenu viz., jayaram, son of Selvaraj, aged about 28 years. The detenu has been detained by the second respondent by his order in Detention Order No.09/2025, dated 18.03.2025 holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) 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. The learned counsel appearing for the petitioner raised the grounds that the detenu was arrested and remanded to judicial custody on 16.02.2025 in pursuant to the registration of the FIR in Cr.No.8 of 2025 for the offence under Section 96 of BNS and 5(l), 5(j)(ii), 5(g), 6 of Protection of Children from Sexual Offences Act, 2012. Thereafter, the detenu was detained under Act, 14 of 1982 on 18.03.2025 and hence, there was a delay in passing the detention order. The said delay was not properly explained by the detaining authority. Further, the detaining authority relied upon the bail order granted to the similarly placed accused viz., Parameswaran in CrI.O.P.No.21506 of 2024 dated 20.12.2024 and the same was served to the detenu in English. Though the petitioner asked for translated copy of the same in the vernacular language, the same has not been furnished by the Detaining Authority. It is, therefore, stated that the detenu is deprived of his valuable right to make an effective representation to reconsider the order of detention.

4. On a perusal of the counter affidavit and also the submission made the learned Additional Public Prosecutor appearing for



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the respondents reveal that the detenu was not served to translated version of the bail order granted to the similarly placed accused in CrI.O.P.No.21506 of 2024, dated 20.12.2024. Therefore, the detenu could not able to make an effective representation to reconsider the order of detention. Hence, on this sole ground, the present impugned detention order is also liable to be set aside.

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:

"6. The short question that falls for our consideration is whether failure to supply the Tamil version of the order of remand passed in



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English, a language not known to the detenue, would vitiate her further detention.

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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



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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 as we find that non-furnishing of translated copy of the bail order granted to the similarly placed accused 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



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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 Detention Order No.09 of 2025, dated 18.03.2025, passed by the second respondent is set aside. The detenu, viz., Jayaram, aged about 28 years, son of Selvaraj, is directed to be released forthwith unless his detention is required in connection with any other case.

8. It is also made clear that if any bail application filed by the detenu, the trial Court is directed to dispose of the bail application on its own merits and in accordance with law, without influencing any of the observation made by this Court.

[G.K.I., J.] [R.P., J.]
10.12.2025

am
NCC :Yes/No
Index: Yes/No
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To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Theni District Collector Office,
Theni District.
- 3.The Superintendent,
Central Prison,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K. ILANTHIRAIYAN,J.
AND
R. POORNIMA,J.

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