

H.C.P(MD)No.1550 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2025

CORAM:

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

H.C.P.(MD) No.1550 of 2024

Sathyapriya

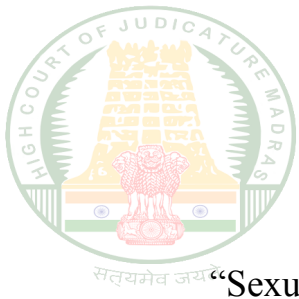
... Petitioner

Vs

1. The Additional Chief Secretary to the Government,
The State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Sivagangai District, Sivagangai.
3. The Superintendent of Prison,
Madurai Central Prison,
Madurai.

... 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 Cr.M.P.No. 42/S.O/2024, dated 18.11.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Muthukumar, S/o.Shanmugavelu, aged about 24 years, now detained as



H.C.P(MD)No.1550 of 2024

“Sexual Offender” at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Muthukumar, S/o.Shanmugavelu, aged about 24 years. The detenu has been detained by the second respondent by Detention Order in Cr.M.P.No.42/S.O/2024, dated 18.11.2024 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.



H.C.P(MD)No.1550 of 2024

WEB COPY

3. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel for the petitioner focused mainly on the ground that the detenu has not been furnished with a translated copy of the 'remand order' relied on by the Detaining Authority, more particularly at Page Nos.33 and 34 of the booklet Volume-I. Hence, it is submitted that the detenu was deprived of making effective representation.

4. On a perusal of the Booklet-Volume-I, it is seen that Page Nos.33 and 34 of the Booklet Volume-I, which is the remand order furnished to the detenu is in English version. This non-furnishing of Tamil Version of the vital document 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



H.C.P(MD)No.1550 of 2024

WEB COPY

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.

...

...

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.



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H.C.P(MD)No.1550 of 2024

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 Tamil Version of remand 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.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.42/S.O/2024, dated 18.11.2024 passed by the second respondent is set aside. The detenu, viz., Muthukumar, S/o.Shanmugavelu, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.



H.C.P(MD)No.1550 of 2024

WEB COPY

8. Further, on a perusal of the Booklet, we also find that the accused had been produced for remand on 03.10.2024 at 10.30.a.m., before the Judicial Magistrate Court at Manamadurai, but the remand order does not contain the Court seal. Hence, Registry may issue a communication to the learned Judicial Magistrate, Manamadurai, who was functioning on 19.09.2024 and 03.10.2024 and call for explanation as to why there was no Court seal affixed in the remand order of the accused in Crime No.12 of 2024, which had been registered in AWPS, Mamamadurai, Sivagangai District. The explanation to be forwarded to this Court within a period of two weeks from today.

9. List the matter on **22.10.2025** under the caption “for compliance/explanation of the Judicial Magistrate, Manamadurai”.

(C.V.K., J.) (R.V., J.)
06.10.2025

Index : Yes / No
NCC : Yes / No
Internet : Yes
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H.C.P(MD)No.1550 of 2024

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To

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Chennai - 600 009.
2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
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Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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H.C.P(MD)No.1550 of 2024

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

vsm

ORDER MADE IN
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06.10.2025