



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 251 of 2026

Paramarani
C/o.Sivasubramaniam,
No. 147/11, Ceylon Colony,
Salapalayam, Tiruchengode,
Namakkal District.

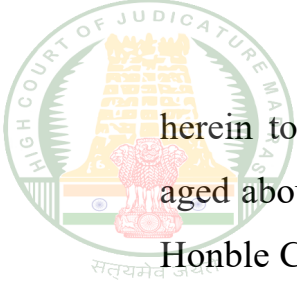
..Petitioner(s)

Vs

1. State of Tamilnadu Reprsented by its Secretary
Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Police
Office of the Commissioner of Police,
Salem City.
3. The Superintendent
Central Prison, Salem.
4. The Inspector of Police
Ammamet Police Station,
Salem City.

..Respondent(s)

Prayer: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus to call for the records of the detention order in C.M.P.No. 54/GOONDA/Salem City /2025 dt. 23.09.2025 on the file of the 2nd respondent herein and quash the same and direct the respondents



herein to produce the detenue Naveen Kumar S/o. Sivasubramaniyam Hindu aged about 21 years who is now confined in Central Prison, Salem , before this Honble Court, and set him at liberty and pass such further or other orders as this Honble Court.

For Petitioner(s): T.Dhasarathan

For Respondent(s): Mr. C.R. Malarvannan. Counsel For
Government Of Tamil Nadu (criminal
Side)

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

The aunt of one Naveenkumar (detenu) S/o Sivasubramaniyam, who was detained as a Goonda under Section 2(f) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 23.09.2025.

2. Though the learned counsel appearing for the petitioner has put forth several grounds, what appeals to us is that the documents, particularly post mortem certificate supplied have not been translated in full.

3. We have heard Mr.T.Dhasarathan, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (criminal Side), learned counsel for the respondents.



4. We find from the perusal of the booklet that, as rightly pointed out by the learned counsel for the petitioner, the post mortem examination certificate dated 28.08.2025, on the basis of which the prosecution rests its case, has not been fully translated and what is available in the booklet between pages 29 and 30 is only an incomplete version of the post mortem certificate in the English version. The selective translation would not suffice. This is a fatal flaw and this has deprived the detenu of his right to make an effective representation.

5. In this regard, we refer to the judgment of the Hon'ble Supreme Court in the case of *Powanammal Vs. State of Tamil Nadu* ((1999) 2 SCC 413). The relevant observations are as follows:

*“8. The law relating to preventive detention has been crystallized and the principles are well neigh settled. The amplitude of the safeguard embodied in Art. 22(5) extends not merely to oral explanation of the grounds of detention and the material in support thereof in the language understood by the detenu but also to supplying their translation in script or language which is understandable to the detenu. Failure to do so would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making a representation against the order. (See *Hadibandhu Das v. District Magistrate, Cuttack & Anr.*, [1969] 1 SCR 227).*

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



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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.”

6. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.M.P.No. 54/Goonda/Salem City /2025 dated 23.09.2025 is set aside.

7. The detenu, viz., Naveenkumar, S/o. Sivasubramaniam, aged 21 years, now confined in Central Prison, Salem, is directed to be set at liberty forthwith, unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
08-06-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes
SL

Note: Issue today.

To

1. State of Tamilnadu Represented by its Secretary
Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Police



Office of the Commissioner of Police,
Salem City.

3. The Superintendent
Central Prison, Salem.
4. The Inspector of Police
Ammamet Police Station, Salem City.
5. The Public Prosecutor, High Court, Madras.
6. The Joint Secretary to Government, Public (Law
& Order) Fort St. George, Chennai.



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