



HCP(MD)No.1238 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.03.2026

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**THE HON'BLE MR JUSTICE N. ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE P.DHANABAL**

H.C.P.(MD)No.1238 of 2025

Vennila

... Petitioner

Vs

1. The State of Tamil Nadu,,
Rep. by the Additional Chief Secretary to Government,
St. George Fort, Chennai-600 009..

2. The District Collector/District Magistrate,
Sivagangai District, Sivagangai..

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

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records pertaining to the detention order passed by the 2nd respondent in Cr.M.P. No. 91/E.O./2025 dated 19.09.2025 and quash the same as illegal and direct the respondents to produce the body or person of the detenue namely J.Babu, S/o. Jeganathan, 53 yrs old (now detained at Central Prison, Madurai) before this court and set him at liberty.



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HCP(MD)No.1238 of 2025

For Petitioner : M/s.S.Baskar Mathuram
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. ANAND VENKATESH, J.)

The petitioner is the wife of the detenu viz., Babu aged about 53 years, S/o.Jeganathan. The detenu has been detained by the second respondent by his order in Cr.M.P. No. 91/E.O./2025 dated 19.09.2025 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.

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.



HCP(MD)No.1238 of 2025

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3. Apart from the other grounds, one of the ground that was relied upon by the learned counsel for the petitioner is that the detaining authority came to a conclusion that the detenu was a Director in Tiruvannamalai Branch. One of the document that was relied upon by the detaining authority is the particulars of the company, which is available in Page Nos. 58 to 71 of the paper book. It was submitted that these pages were not translated in the language known to the detenu. Therefore, effective representation was not able to be made.

4. In reply, the learned Additional Public Prosecutor submitted that the detaining authority did not come to the conclusion that the detenu was acting as a Director for Tiruvannamalai Branch based on any document. It is contended that such satisfaction was arrived at based on the materials placed by the investigating officer, where such confession was made by the detenu in the course of investigation.

5. On a careful reading of the detention order, it is seen that the detaining authority has specifically stated in Paragraph No.4 that all the



HCP(MD)No.1238 of 2025

document available on record was relied upon. One of the important document that is available in the booklet pertains to the particulars regarding the company and the persons, who are acting as Directors. One of the document specifically contains the name of the detenu J.Babu indicating Tiruvannamalai Branch. This document, which forms part of the list of document from Pages 58 to 71, has not been translated. Even though the detaining authority states that he went by the materials relied upon by the investigating officer, where a confession of the detenu made during investigation was recorded, obviously there was a strong material available to the detaining authority in terms of the particulars of the Directors belonging to the company. Going by the statement made at Paragraph 4 of the detention order, we are convinced that the detaining authority, apart from relying upon the confession has definitely relied upon the document, where the name of the detenu was mentioned as Director of Tiruvannamalai Branch. This vital document has not been translated in the language known to detenu.

6. In view of the above, the detenu was not able to make effective representation. It substantially affects the rights of the detenu to make an



HCP(MD)No.1238 of 2025

effective representation. Consequently, it vitiates the detention order.

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7. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P. No.91/E.O./2025 dated 19.09.2025 passed by the second respondent is set aside. The detenu, viz., Babu S/o.Jeganathan, aged about 53 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J.)

(P.D.B.,J.)

02.03.2026

Index : Yes/No

Internet : Yes

RR

To

1.The Additional Chief Secretary to Government,
St. George Fort, Chennai-600 009..

2. The District Collector/District Magistrate,
Sivagangai District, Sivagangai..

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

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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HCP(MD)No.1238 of 2025

**N. ANAND VENKATESH,J.
AND
P.DHANABAL, J.**

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H.C.P.(MD)No.1238 of 2025

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