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HCP.No.2006 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.2006 of 2025

Kavitha
W/o.Dhanraj

... Petitioner/
Mother of the detenu

Versus

1. The State of Tamil Nadu
Represented by Secretary to Government,
Home Prohibition & Excise Department,
Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
(Goondas Section),Vepery, Chennai – 600 007.
3. The Superintendent of Prison,
Chennai Central Prison – II, Puzhal,
Chennai – 600 066.
4. The Inspector of Police,
J-1, Saidapet Police Station,
Chennai – 600 015.

.. Respondents



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Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus, to call for the records relating to the detention order dated 21.08.2025 passed by the second respondent in No.584/B.B.C.D.E.F.G.I.S.S.S.V./2025 and quash the same and direct the respondents herein to produce the petitioner's son, Prakash Raj @ Wide, S/o.Dhanraj, aged 21 years, who is presently under going detention in the Chennai, Central Prison – II, Puzhal, Chennai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.V.Sathyanarayanan

For Respondents : Mr.R.Munniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

(Order of the Court was made by P.VELMURUGAN J.)

The petitioner, who is the mother of the detenu, Prakash Raj @ Wide, S/o.Dhanraj, aged 21 years, has come forward with this petition challenging the detention order passed by the second respondent dated 21.08.2025 bearing reference No.584/B.B.C.D.E.F.G.I.S.S.S.V./2025, slapped on her son Prakash Raj @ Wide, S/o.Dhanraj, aged 21 years, now confined in Central Prison – II, Puzhal, Chennai, branding him as "Drug Offender" under the



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Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

3. The learned counsel appearing for the petitioner assailed the impugned detention order, passed against the detenu, on the following grounds:-

(i) In the booklet, Volume –I, at Page Nos.59 and 60, the date of Remand Extension Order has been incorrectly mentioned;

(ii) In the booklet, Volume-I, at Page No.62 in English the quantity of contraband is shown as 3.200 kgs, whereas in the translated version it has been mentioned as 3.100 kgs, thereby resulting in a material discrepancy.

(iii) In the booklet, Volume-II, at Page No.4, in the alteration report,



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the age of the detenu has been mentioned as 20 years, whereas, in the final report it has been shown as 18 years.

(iv) In the booklet, Volume-II, Page No.30, the FIR refers to Crime No.12 of 2025, whereas at Page No.52 in the Arrest Memo, it has been mentioned as Crime No.12 of 2024.

4. The learned counsel for the petitioner contended that without advertng to or considering the above discrepancies, the detaining authority has clamped the order of detention against the detenu, thereby causing serious prejudice to the detenu and depriving him of his right to make an effective representation for revocation of the detention order. On these grounds, the impugned detention order is stated to be vitiated and is liable to be quashed.

5. Per contra, the learned Additional Public Prosecutor appearing for the respondents, by referring to the counter affidavit submitted that the detenu was arrested and remanded to judicial custody in connection with three adverse cases and one ground case, namely, in Crime No.301 of 2025, registered for the offences punishable under Section 8(c) read with 20(b)(ii)



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(B) of Narcotic Drugs and Psychotropic Substances Act, 1985. After taking into consideration the activities of the detenu and upon a careful perusal of connected materials and evidences, the detaining authority arrived at a subjective satisfaction and took a well-considered decision to detain the detenu under Section 2(e) of the Tamil Nadu Act 14 of 1982 as a “Drug Offender” and passed the impugned order of detention.

6. Learned Additional Public Prosecutor further contended that the discrepancies pointed out by the learned counsel for the petitioner in the affidavit filed in support of the petition are only typographical errors, which neither caused prejudice to the detenu nor deprived him of his right to make an effective representation for revocation of the detention order. The detention order having been passed on cogent and sufficient materials, does not warrant interference at the instance of the petitioner.

7. On a careful consideration of the rival submissions and upon a perusal of the materials placed on record, this Court finds no merit in the contentions raised by the learned counsel for the petitioner. The



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discrepancies pointed out are only minor and typographical errors in nature and do not go to the root of the matter so as to vitiate the subjective satisfaction arrived at by the detaining authority, nor have they caused any prejudice to the detenu in making an effective representation. The impugned order of detention has been passed after due application of mind and on the basis of cogent and sufficient materials.

8. In the result, the Habeas Corpus Petition is dismissed.

[P.V.,J.] [M.J.R.,J.]
04.12.2025

Index: Yes/No
Neutral Citation: Yes/No
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State of Tamil Nadu,
Home Prohibition & Excise Department,
Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.
2. The Commissioner of Police,
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Office of the Commissioner of Police,
(Goondas Section), Vepery, Chennai – 600 007.
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5. The Public Prosecutor
High Court, Madras.



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