



HCP(MD)No.29 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and**

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.29 of 2025

Sabitha

... Petitioner

Vs.

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

2.The District Collector / District Magistrate,
Office of the District Collector / District Magistrate,
Thenkasi District,
Tenkasi -11.

3.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order of the respondent No.2 in Detention Order No. MHS.Confdl No. 89 / 2024, dated 03.12.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Sakthi Arun, Son of Paul Arunachalam, aged about 28 years, now confining as “Cyber Law Officer” at Central Prison, Palaymkottai before this Court and set him at liberty forthwith.



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For Petitioner

: Mr.C. Ganesh Pandian

For Respondents

: Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

O R D E R

[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

The petitioner is the wife of the detenu viz., Sakthi Arun, Son of Paul Arunachalam, aged about 28 years. The detenu has been detained by the second respondent by his order in Detention Order No. MHS.Confdl No.89 / 2024, dated 03.12.2024, holding him to be a "Cyber Law Offender", as contemplated under Section 2(bb) 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.

3. The learned counsel appearing for the petitioner submits that, as per the Grounds of Detention, the detenu is stated to be involved only in Crime No. 30 of 2024, registered by the Tenkasi Cyber Crime Police Station. Apart from this,



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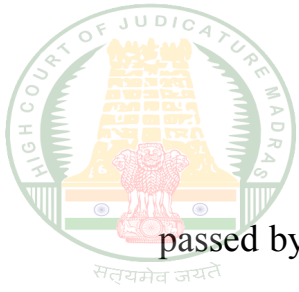
the detenu is not shown to be involved in any other case. However, the

detaining authority has stated that the detenu has committed grave crimes, as if to suggest that the detenu is involved in several other cases. Therefore, the subjective satisfaction arrived at by the detaining authority is without proper application of mind, as it is based on an erroneous assumption of multiple pending cases against the detenu. Consequently, the detention order is liable to be quashed on the ground of non-application of mind.

4. Learned Additional Public Prosecutor, on instructions, submitted that after satisfying with the materials placed by the Sponsoring Authority, the Detaining Authority has passed the impugned detention order with proper application of mind and there is no illegality or infirmity in the detention order and hence, prayed for dismissal of the habeas corpus petition.

5. On perusal of the records, it is evident that the actions of the detaining authority caused prejudice to the detenu. Therefore, we have no hesitation in quashing the order of detention passed by the said authority.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No. MHS.Confdl No.89 / 2024, dated 03.12.2024,



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passed by the second respondent is set aside. The detenu, viz., Sakthi Arun, Son

of Paul Arunachalam, aged about 28 years, is directed to be released forthwith

unless his detention is required in connection with any other case.

[A.D.J.C., J.] [R.P., J.]
18.08.2025

Index : Yes / No

Neutral Citation : Yes / No

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To:

1. The Additional Chief Secretary
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Secretariat, Chennai – 600 009.

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



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**A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.**

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**ORDER MADE IN
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DATED : 18.08.2025