



HCP(MD)No.142 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MRS.JUSTICE L. VICTORIA GOWRI**

HABEAS CORPUS PETITION(MD)No. 142 of 2025

Elavarasi

... Petitioner

VS.

1. The State of Tamil Nadu
rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Secretariat, Chennai -600 009.

2. The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Karur District.

3.The Superintendent of Prison,
Trichy Central Prison,
Trichy District.

... 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 CrI.M.P.No.47/2024, dated



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27.12.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Murugan,, Son of Arunachalam, aged about 47 years, now detained as “Drug offender” at Trichy Central Prison, before this Court and set him at liberty forthwith.

For Petitioner : Dr.R. Alagumani

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Murugan, Son of Arunachalam, aged about 47 years. The detenu has been detained by the second respondent by his order in CrI.M.P.No.47/2024, dated 27.12.2024 holding him to be a "Drug offender", as contemplated under Section 2(e) 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 though in



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para. No.3 of the grounds of detention it has been stated that the detenu was produced before the learned Judicial Magistrate, Musiri on 20.12.2024 by the Musiri Police Station in Crime No.345 of 2024 for the offences under Sections 275, 123 of BNS, 2023 and Section 6(b), 24(1) of Cigarette and other Tobacco Products Act, 2003, later, he was produced before the learned Judicial Magistrate No.I, Karur on 24.12.2024, there is no materials to substantiate the same. He further submits that the remand order in respect of Crime No.345 of 2024 was neither furnished to the detenu nor placed before the detaining authority. In such circumstances, non furnishing of vital documents vitiated the detention order and it exposes the non application of mind on the part of the detaining authority.

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 detaining authority without any material has passed an order stating that the petitioner is involved



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in Crime No. 345 of 2024 on the file of the Musiri Police Station. Therefore, the

detention order stands vitiated on the ground of non-application of mind.

6. In the light of the above discussion, we have no hesitation in quashing the order of detention on the ground of non-application of mind on the part of the detaining authority in passing the impugned detention order.

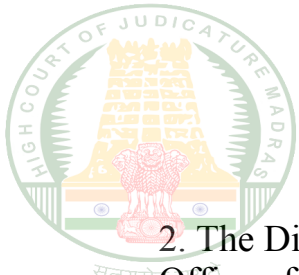
7. In the result, the Habeas Corpus Petition is allowed and the order of detention passed in Crl.M.P.No.47/2024, dated 27.12.2024, passed by the second respondent is set aside. The detenu, viz., Murugan, Son of Arunachalam, aged about 47 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[A.D.J.C., J.] [L.V.G., J.]
14.08.2025

Index : Yes / No
Neutral Citation : Yes / No
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To:

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Secretariat, Chennai -600 009.



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2. The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Karur District.

3. The Superintendent of Prison,
Trichy Central Prison,
Trichy District.

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



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AND
L. VICTORIA GOWRI, J.**

trp

**ORDER MADE IN
HCP(MD)No. 142 of 2025**

DATED : 14.08.2025