



WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :26.03.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

H.C.P(MD)No.241 of 2025

Bakkiyam

... Petitioner/Mother of the detenu

.Vs.

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector,
And the District Magistrate,
Office of the District Collector,
Karur District.
- 3.The Inspector of Police,
Karur All Women Police Station,
Karur District.
- 4.The Superintendent of Prison,
Central Prison,
Trichy District.

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of



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India, praying this Court to call for the records leading to the detention of the Petitioner's son Muruganandham, son of Ramasamy, aged about 45 years vide detention order, dated 27.08.2024 made in Cr.M.P.No.22 of 2024 passed by the second respondent and to quash the same and consequently direct the respondents to produce the body or person of the detenu, now detained at Central Prison, Trichy before this Court and set him at liberty.

For Petitioner : Mr.M.Vivek

For Respondents : Mr.S.Ravi
Addl.Public Prosecutor

ORDER

DR.G.JAYACHANDRAN., J
AND
R.POORNIMA.,J

The Habeas Corpus Petition is filed seeking a direction to call for the records leading to the detention of the Petitioner's son Muruganandham, son of Ramasamy, aged about 45 years vide detention order, dated 27.08.2024 made in Cr.M.P.No.22 of 2024 passed by the second respondent and to quash the same and consequently direct the respondents to produce the body or person of the detenu, now detained at Central Prison, Trichy before this Court and set him at liberty.



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2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The detention order passed under Act 14 of 1982, dated 27.08.2024 is under challenge on the ground that based on a single case registered under the POCSO Act, the detenu, son of the Petitioner was detained under POCSO Act, apprehending that his presence will be prejudiced to the maintenance of public peace. However, the ground case registered against the detenu and tried in Special S.C.No.46 of 2024 before the Fast Track Mahila Court, Karur, ended in acquittal vide judgment, dated 01.02.2025 and therefore, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor appearing for the respondents/State concedes that the trial against the detenu in the ground case ended in acquittal, since the witnesses turned hostile in the cross-examination. It is also stated that except the ground case, there is no case adverse against the detenu.



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5. In view of the above fact, this Court finds that the preventive detention of the Petitioner's son does not survive, in view of the acquittal in the ground case.

6. In fine, the Habeas Corpus Petition is allowed. The detention order in Cr.M.P.No.22 of 2024, dated 27.08.2024 passed by the second respondent, is set aside. Consequently, the detenu, namely, Muruganandham, son of Ramasamy, aged about 45 years, who is now detained at Central Prison, Tiruhy is directed to be released forthwith, unless his presence or custody or detention is required in connection with any other case.

[G.J.,J.] [R.P.,J.]
26.03.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

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

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- 2.The District Collector,
And the District Magistrate,
Office of the District Collector,
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- 3.The Inspector of Police,
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Central Prison,
Trichy District.

Copy to

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



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DR.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

vsn

ORDER MADE IN
H.C.P(MD)No.241 of 2025



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