



H.C.P.(MD)No.194 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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S.Annapushpam

... Petitioner

-VS-

1.State of Tamil Nadu, rep. by
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Police,
O/o.The Commissioner of Police,
Tiruchirappalli City.

3.The Superintendent,
Central Prison,
Tiruchirappalli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records in detention order passed in C.No.105/Detention/C.P.O/TC/2024, dated 02.11.2024 on the file of the second respondent herein and set aside the



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same as illegal and direct the respondents to produce the body or person of the petitioner's son namely Mariyappan, S/o.Selvaraj, male, aged 49 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.K.A.S.Prabhu

For Respondents : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by **C.V.Karthikeyan, J.**)

The petitioner is the mother of the detenu namely Mariyappan, S/o.Selvaraj, aged about 49 years. The detenu had been detained by the second respondent by his order in C.No. 105/Detention/C.P.O/TC/2024, dated 02.11.2024, holding him to be a “Sexual Offender” as contemplated under Section 2(ggg) 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



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respondents. We have also perused the records produced by the Detaining Authority.

3. We are informed that during the trial in Spl.S.C.No. 104/2024 on the file of the Sessions Judge, Mahila Court at Trichirappalli, the victim had not been cross-examined. The trial had proceeded further for examination of other list witnesses. The detention order in this case had been passed on 02.11.2024 branding him as "Sexual Offender". It is obvious that cross-examination had not been done deliberately. The learned Sessions Judge, Mahila Court, Trichirappalli must keep in mind the provision under Section 33(5) of the POCSO Act, 2012, which is reads as follows:-

"33(5) The Special Court shall ensure that the child is not called repeatedly to testify in the Court."

4. We have also perused the report of the Sessions Judge, Mahila Court, Tiruchirappalli.



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5. The only ground raised by the learned counsel for the petitioner is that the copy of the statement of the victim child recorded under Section 183 of the BNSS Act had not been furnished though specifically it was sought in the representation.

6. However, a perusal of the detention order shows that the detaining authority had not relied on the said document while taking the decision to pass the detention order. It has been specifically stated that the only document, which had been relied on by the detaining authority must be furnished and other documents need not be furnished.

7. In **State of Tamil Nadu and another vs. Abdullah Kahder Batcha and another** reported in (2009) 1 SCC 333, it has been held as follows:-

"7. The court has a duty to see whether the non-supply of any document is in any way prejudicial to the case of the detenu. The High Court has not examined as to how the non-supply of the documents called for had any effect on the detenu and/or whether the non-supply was prejudicial to the detenu. Merely because copies of some documents have (sic not) been supplied,



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they cannot by any stretch of imagination be called as relied upon documents. While examining whether non-supply of a document would prejudice a detenu, the court has to examine whether the detenu would be deprived of making an effective representation in the absence of a document. Primarily, the copies which form the ground for detention are to be supplied and non-supply thereof would prejudice the detenu. But documents which are merely referred to for the purpose of narration of facts in that sense cannot be termed to be documents without the supply of which the detenu is prejudiced."

8. In view of the above, there is no ground to allow the Habeas Corpus Petition. Accordingly, this Habeas Corpus Petition is dismissed.

[C.V.K., J.] [R.V., J.]

27.10.2025

am
NCC :Yes/No
Index: Yes/No



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- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Police,
Tiruchirappalli City.
- 3.The Superintendent,
Central Prison,
Tiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To

The Sessions Judge, Mahila Court,
Tiruchirappalli for reference
in Spl.S.C.No.104 of 2024.



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C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

am

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