

H.C.P(MD)No.195 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2025

CORAM:

**THE HONOURABLE Mr.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE Mr.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD) No.195 of 2025

M.Shanmugathai

... Petitioner

Vs

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

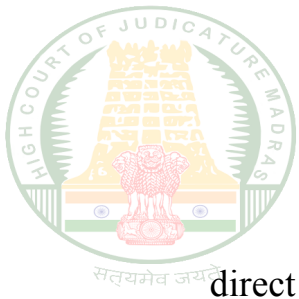
2.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

3.The Superintendent of Prison,
Central Prison,
Madurai.

4.The Inspector of Police,
Medical College Hospital Police Station,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records relating to the Detention Order passed by the second respondent in Detention Order No. 3/BCDFGISSSV/2025 dated 08.01.2025 and to quash the same and



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direct the respondents to produce the body or person of the detenu, Nambirajan, S/o.Murugan, aged about 22 years, before this Court and set him at liberty, now detained under third respondent prison.

For Petitioner : Mr.V.M.Jegadeeshapandian

For Respondents : Mr.S.Ravi

Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu viz., Nambirajan, aged about 22 years. The detenu has been detained by the second respondent by Detention Order in No.3/BCDFGISSSV/2025, dated 08.01.2025 holding him to be a 'Goonda', as contemplated under Section 2(f) 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.



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3. Though several points have been raised by the learned counsel for the petitioner, it is stated that the detention order is liable to be quashed on the grounds that (i) initially, when the detenu was produced before the learned Judicial Magistrate No.I, Tirunelveli on 24.12.2024, in the remand order, the learned Judicial Magistrate No.I, Tirunelveli, had stated that he is remanded to judicial custody till 07.12.2024, which date is absolutely not correct and the correct date is 07.01.2025, which has been given in the Form of remand order and that (ii) in the remand order it has been mentioned as Section 351(3) BNS among other offences, whereas, in the Form of Remand Warrant, it has been mentioned as Section 357(3) BNS among other offences, which vitiate the detention order on the ground of non application of mind.

4. The learned Additional Public Prosecutor appearing for the respondents would submit that these documents have not been relied on by the detaining authority. But, however, a perusal of the detention order shows that the detaining authority had referred to the remand order dated 24.12.2024 of the detenu passed by the learned Judicial Magistrate No.I, Tirunelveli and had given an alternate third date, on 21.01.2025, to which date, according to him, the remand had been extended. This



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clearly shows that there is non-application of mind since the learned Judicial Magistrate No.I, Tirunelveli can remand only for initial period of 15 days and not more than that.

5. The date i.e., 21.01.2025 obviously exceeds the date of remand/24.12.2024. The detaining authority should have known that there is mistake in his own order. It shows non-application of mind.

6. In fine, the Habeas Corpus Petition is allowed. The detention order passed in No.3/BCDFGISSSV/2025, dated 08.01.2025, by the 2nd respondent, is set aside. Consequently, the detenu viz., Nambirajan, S/o.Murugan, aged about 22 years, who is now detained in Central Prison, Madurai, is directed to be released forthwith, unless his presence or custody or detention is required in connection with any other case.

(C.V.K., J.) (R.V., J.)
15.09.2025

Index : Yes / No
NCC : Yes / No
Internet : Yes
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- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

am

ORDER MADE IN
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