



H.C.P.(MD)Nos.374, 375 and 426 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
13.10.2025	28.10.2025

CORAM:

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

H.C.P.(MD)Nos.374, 375 and 426 of 2025

H.C.P.(MD)No.374 of 2025:-

Muthulakshmi

... Petitioner / Wife of the Detenu

vs.

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

2.The District Magistrate and District Collector,
Pudukkottai District,
Pudukkottai.

3.The Superintendent,
Central Prison,
Trichy.

... Respondents



H.C.P.(MD)Nos.374, 375 and 426 of 2025

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Habeas Corpus, calling for the records relating to the detention order passed by the second respondent on 22.02.2025 in Detention Order in P.D.O.No.6/2025, quash the same and direct the respondents to produce the body or her husband, the detenu namely, Muruganantham, S/o.Sundarapandian, aged about 56 years, now detained at Central Prison, Trichy, before this Court and set him at liberty.

For Petitioner

: Mr.P.Praveenkumar

For Respondents

: Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

H.C.P.(MD)No.375 of 2025:-

Alagu

... Petitioner / Wife of the Detenu

vs.

- 1.The State of Tamil Nadu,
Rep. by Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 9.
- 2.The District Collector / District Magistrate,
Collectorate,
O/o.District Collector and District Magistrate,
Pudukkottai District,
Pudukkottai.



H.C.P.(MD)Nos.374, 375 and 426 of 2025

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

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Habeas Corpus, calling for the records connected with the Detention Order in P.D.O.No.8/2025, dated 22.02.2025, passed by the second respondent, quash the same and direct the respondents to produce the body or person of detenu namely, Ramaiah, S/o.Sankara Pillai, aged about 52 years, now detained at Trichy Central Prison before this Court and set him at liberty forthwith.

For Petitioner

: Mr.T.Lajapathi Roy
Senior Counsel
for M/s.Roy and Roy Associates

For Respondents

: Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

H.C.P.(MD)No.426 of 2025:-

R.Chinnammal

... Petitioner / Wife of the Detenu

vs.

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



H.C.P.(MD)Nos.374, 375 and 426 of 2025

WEB COPY

2.The District Magistrate and District Collector,
Pudukkottai District,
Pudukkottai.

3.The Superintendent,
Central Prison,
Trichy.

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Habeas Corpus, calling for the records relating to the Detention Order passed by the second respondent in his proceedings in P.D.O.No.07/2025, dated 22.02.2025, quash the same and direct the respondents to produce the person or body of the detenu namely, Rasu, S/o.Raman, aged about 54 years (now detained at Central Prison, Trichy) before this Court and set him at liberty.

For Petitioner

: Mr.N.Anandakumar

For Respondents

: Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

COMMON ORDER

C.V.KARTHIKEYAN, J.

All these three Habeas Corpus Petitions arise out of the detention of three accused, namely, (i) Muruganantham [A1], the husband of the petitioner in H.C.P. (MD)No.374 of 2025; (ii) Ramaiah [A4], the husband of the petitioner in H.C.P. (MD)No.375 of 2025; and (iii) Rasu [A3], the husband of the petitioner in H.C.P.

4/23



H.C.P.(MD)Nos.374, 375 and 426 of 2025

(MD)No.426 of 2025, in Crime No.1 of 2025, registered by the Crime Branch – Criminal Investigation Department [CB-CID], Pudukkottai. The case was initially registered under Section 194(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), and was subsequently altered to an offence punishable under Section 103 of the Bharatiya Nyaya Sanhita, 2023 (BNS). It was further altered to offences punishable under Sections 191(2), 61(2), and 103 read with Section 3(5) of the BNS, 2023.

2. The three detenus were categorized as 'Goondas' as contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982.

3. Common arguments were advanced in all three Habeas Corpus Petitions by Mr.T.Lajapathi Roy, learned Senior Counsel, appearing for M/s.Roy and Roy Associates in H.C.P.(MD)No.375 of 2025; by Mr.P.Praveenkumar, learned counsel for the petitioner in H.C.P.(MD)No.3744 of 2025; and by Mr.N.Anandakumar, learned counsel for the petitioner in H.C.P.(MD)No.426 of 2025. They raised common grounds seeking to quash the detention orders. In view of the same, a common order is passed.



H.C.P.(MD)Nos.374, 375 and 426 of 2025

WEB COPY

4. Even before proceeding to consider the grounds raised by the learned Senior Counsel for the petitioner and the learned counsel for the respective petitioners, it would be appropriate to briefly set out the nature of the allegations levelled against the detenus.

5. It has been contended by the respondents that the First Information Report (F.I.R.) in Crime No.9 of 2025 was registered on 18.01.2025 by the Sub-Inspector of Police, Thirumayam Police Station, Pudukkottai, under Section 194(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.), based on a complaint lodged by one Mariyam, wife of Jagaber Ali. In her complaint, she had stated that her husband had earlier lodged complaints against quarry operators in the Thirumayam area and had also filed a case before the Madurai Bench of the Madras High Court, wherein he had obtained orders banning quarry operations. Consequently, he had incurred the hostility of the said quarry operators.

6. In this context, the complainant alleged that the named accused had issued threats to her husband. She further stated that, on 17.01.2025, when her husband came out of the Pallivasal after offering prayers, he was hit by a tipper



H.C.P.(MD)Nos.374, 375 and 426 of 2025

lorry and died on the spot. Based on her complaint, the above F.I.R. was initially registered by the Sub-Inspector of Police, Thirumayam Police Station, Pudukkottai. Subsequently, by proceedings of the Director General of Police, Chennai, in Rc.No.0658/Crime-1(2)/2025, dated 21.01.2025; the Memorandum of the Inspector General of Police (In-charge), Additional Director General of Police, CB-CID, in C.No.C1(1)/07/E-9458545/2025, dated 22.01.2025; and the Memorandum of the Superintendent of Police, Pudukkottai District, in C.No.G1/01/2025, dated 24.01.2025, the investigation was transferred to the CB-CID, Pudukkottai. Consequently, F.I.R. in Crime No.1 of 2025 was registered on 25.01.2025 for offences punishable under Sections 194(1) of the B.N.S.S., 2023, and Sections 103, 191(2), 61(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

7. The husband of the petitioner in H.C.P.(MD)No.374 of 2025, Muruganantham [A1] was arrested on 19.01.2025, the husband of the petitioner in H.C.P.(MD)No.375 of 2025, Ramaiah [A4] was arrested on 23.01.2025 and the husband of the petitioner in H.C.P.(MD)No.426 of 2025, Rasu [A3] was arrested on 19.01.2025. They were all subsequently remanded to judicial custody.



H.C.P.(MD)Nos.374, 375 and 426 of 2025

Thereafter, by orders dated 22.02.2025, detention orders were passed against them under the provisions of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug-Offenders, Forest-Offenders, Goondas, Immoral Traffic Offenders, Sand-Offenders, Sexual Offenders, Slum-Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

8. The first ground raised by the learned Senior Counsel for the petitioners was that the investigation had been transferred to the CB-CID, Pudukkottai, pursuant to the proceedings of the Director General of Police, Chennai, and subsequent Memoranda issued by the Inspector General of Police and the Superintendent of Police.

8.1. It was contended that a copy of the proceedings of the Director General of Police had not been furnished to the detenus, and, therefore, it was argued that the detenus were not in a position to make an effective representation against the detention orders.



H.C.P.(MD)Nos.374, 375 and 426 of 2025

WEB COPY

8.2. However, it is seen from the records that the proceedings of the Inspector General of Police, nominating the Investigating Officer and the Assistant Investigating Officer, and the consequential proceedings of the Superintendent of Police, directing the Inspector of Police, Thirumayam Police Station, Pudukkottai District, to hand over the case diary in Crime No.9 of 2025 to the Investigating Officer of the CB-CID, had been enclosed and their Tamil versions had also been furnished to the detenus.

8.3. The learned Additional Public Prosecutor submitted that the detention orders were not passed on the basis of the proceedings of the Director General of Police. Rather, the detaining authority had arrived at subjective satisfaction on the basis of the materials placed by the sponsoring authority, which pertained to the nature of the offences and their wide-ranging ramifications across the State.

8.4. Upon perusal of the records, it is further seen that the detaining authority had merely made reference to the proceedings of the Director General of Police and had not based the detention order on the said proceedings.



H.C.P.(MD)Nos.374, 375 and 426 of 2025

WEB COPY

8.5. 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, 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."

8.6. The aforesaid judgment was subsequently referred to and relied upon in a later judgment of the Hon'ble Supreme Court in **Jaseela Shaji vs. Union of India and others** reported in **(2024) 9 SCC 53**, wherein it had been observed as follows:-

10/23



H.C.P.(MD)Nos.374, 375 and 426 of 2025

WEB COPY

"34. This Court reiterated that, primarily, the copies which form the ground for detention are to be supplied and non-supply thereof would prejudice the detenu. It has been further held that the 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."

8.7. Even in the present case, the proceedings of the Director General of Police have been referred to only for the purpose of narrating the sequence of events and cannot be treated as a vital document, the non-supply of which would prejudice the detenus. Accordingly, this contention raised on behalf of the petitioners stands rejected.

9. The second ground raised on behalf of the petitioners pertains to the order extending the remand of the accused. It was contended that the requisition for extending the remand had been made by the sponsoring authority on 20.02.2025, and that the learned Judicial Magistrate No.II, Pudukkottai, had also passed the order of extension on the same date. The learned Senior Counsel, however, pointed out that though the order bears the date 20.02.2025, the copy application had been made on 19.02.2025 and was also shown as delivered on



H.C.P.(MD)Nos.374, 375 and 426 of 2025

19.02.2025. He, therefore, submitted that there existed a procedural irregularity in the order extending the remand.

9.1. In reply, the learned Additional Public Prosecutor submitted that the discrepancy was only a *bona fide* mistake committed by the ministerial staff of the Judicial Magistrate Court and that such an error could never prejudice the interests of the detenus, since the remand had, as a matter of fact, been extended only on 20.02.2025.

9.2. Upon examination of the records, it is seen that the initial signature of the Head Clerk of the Judicial Magistrate Court No.II, Pudukkottai, dated 20.02.2025, appears to have been altered to 19.02.2025, and this alteration is visible to the naked eye. The same incorrect date appears to have been carried over to the subsequent Court seal as well. This, therefore, appears to be either an inadvertent clerical error or a deliberate mistake committed by the ministerial staff of the said Court. However, the fact remains that the remand was actually extended only on 20.02.2025, which is evident from the order of the learned Judicial Magistrate No.II, Pudukkottai.

12/23



H.C.P.(MD)Nos.374, 375 and 426 of 2025

WEB COPY

9.3. We hold that the detenus cannot claim any advantage on account of a clerical error, whether genuine or otherwise, on the part of the ministerial staff. We are satisfied that no prejudice has been caused to the detenus. Accordingly, this ground raised on their behalf stands rejected.

10. The third ground raised on behalf of the petitioners was that the post-mortem certificate furnished to the detenus was in English and that its Tamil version had not been supplied. It was contended that such non-supply had seriously prejudiced the detenus and had deprived them of an opportunity to make an effective representation against the order of detention.

10.1. In this regard, reliance was placed on an earlier order of a Division Bench of this Court, in which one of us [*C.V.Karthikeyan*] was a member, rendered in **H.C.P.(MD)No.645 of 2024 (Gnanasekar v. The Additional Chief Secretary to Government, Home, Prohibition and Excise Department and others)**, dated **15.10.2024**. However, we must observe that although reliance had therein been placed on the judgment of the Hon'ble Supreme Court in **Powanammal v. State of Tamil Nadu and another** reported in (1999) 2 SCC 413, the judgments of the Hon'ble Supreme Court, namely (i) (2009) 1 SCC 333

13/23



H.C.P.(MD)Nos.374, 375 and 426 of 2025

[**Abdullah Kadher Batcha** (*referred supra*)], and (ii) **(2024) 9 SCC 53** [**Jaseela Shaji** (*referred supra*)], had not been brought to the notice of the said Bench.

10.2. It has been clearly held in the aforesaid decisions that when a document is referred to only for the purpose of narration of facts, non-supply of such document, or its translated version, would not cause prejudice to the detenus.

10.3. In the present case, the post-mortem certificate merely records the nature of injuries sustained by the deceased and has been referred to only to complete the narration relating to the cause of death. We, therefore, hold that the non-furnishing of the Tamil version of the post-mortem certificate has not caused any prejudice to the detenus.

11. The next ground raised by the learned Senior Counsel was that the detaining authority had stated that a bail application had been filed and dismissed. However, the authority also referenced a similar case where, within approximately 37 days, bail was granted to an accused. It was argued that, on the



H.C.P.(MD)Nos.374, 375 and 426 of 2025

WEB COPY
basis of this precedent, the detaining authority inferred that there was a possibility the detenus might be granted bail, if they filed another bail application. The Senior Counsel contended that there was no material evidence to suggest that the detenus would file another bail application.

11.1. In reply, the learned Additional Public Prosecutor argued that, although the likelihood of a second bail application being filed might be remote, the detaining authority had merely expressed that if such an application were to be filed, there was a possibility that bail could be granted due to the passage of time from the date of initial remand. The learned Additional Public Prosecutor therefore submitted that this ground urged by the learned Senior Counsel should be rejected by this Court.

11.2. A perusal of the records show that the initial bail application had indeed been filed and dismissed. The detaining authority had pointed to a similar case where, after a lapse of time, an accused charged with murder was granted bail. Based on this, the detaining authority suggested that if a second bail application was filed, there was a possibility of bail being granted. It must be



H.C.P.(MD)Nos.374, 375 and 426 of 2025

noted that the detaining authority was not suggesting that a second bail application would necessarily be filed, but rather that, in the event it was filed, bail could potentially be granted. We are of the view that this was a prudent anticipation of an eventuality, considering the passage of time from the date of initial remand. Hence, we hold that the apprehension expressed by the detaining authority is not a valid ground for quashing the detention orders.

11.3. Additionally, it was argued that the copy of the bail application had not been furnished to the detenus. However, we hold that the detenus were aware of the dismissal of the bail application. As such, we hold that no prejudice was caused by the failure to furnish the copy of the bail application.

12. The learned Senior Counsel further argued that the representation submitted had been dealt with after delay.

12.1. In this connection, we called for the records pertaining to each of the detenus, both from the Government Secretariat at Chennai and from the Office of the District Collector, Pudukkottai. We have extensively perused the records.



H.C.P.(MD)Nos.374, 375 and 426 of 2025

WEB COPY

12.2. With respect to the detenu Muruganantham, the representation, which was received on 19.03.2025, was considered by the authorities, and the rejection letter was dated 21.03.2025. This was dispatched by speed post/ordinary post on 24.03.2025, received by the Prison Department on 25.03.2025, and served on the detenu the same day. It must be mentioned that 22.03.2025 and 23.03.2025 were Government holidays. We therefore hold that there was no delay in considering the representation, and that it had been properly considered by the authorities.

12.3. From the records, it is seen that the representation relating to the detenu Ramaiah, dated 05.03.2025, was received on 10.03.2025. Thereafter, further processing took place on 11.03.2025 and 12.03.2025, on which date the representation was rejected. The rejection letter was dispatched on 13.03.2025, received by the Prison Department on 15.03.2025, and served on the detenu the same day. We therefore hold that there was no delay in considering the representation, and that it had been properly considered by the authorities.

12.4. With respect to the detenu Rasu, the representation dated 24.03.2025 was received on 27.03.2025 and considered by the authorities. The rejection letter was prepared on 01.04.2025. It must be noted that 29.03.2025, 30.03.2025, and



H.C.P.(MD)Nos.374, 375 and 426 of 2025

31.03.2025 were Government holidays. The rejection was dispatched on 01.04.2025, received by the Prison Department on 03.04.2025, and served on the detenu on the same date. We therefore hold that there was no delay in considering the representation, and that it had been properly considered by the authorities.

13. It was further argued by the learned Senior Counsel that the Arrest Memo had not been translated and that the translated version had not been provided. In this connection, we draw reference to the Full Bench judgment of this Court in **N.Fathima @ Lalia v. State of Tamil Nadu, represented by the Additional Chief Secretary to Government, Home, Prohibition and Excise Department and others** reported in **2024 (1) LW (Crl.) 521 : 2024 (2) MLJ (Crl.) 197**. The first issue considered therein was whether non-intimation of arrest would be fatal to the detention order. The Full Bench answered that it would not be fatal. When the Full Bench reasoned that non-furnishing of the copy itself is not fatal, the natural corollary is that non-furnishing of the translated copy would also not be fatal.



H.C.P.(MD)Nos.374, 375 and 426 of 2025

WEB COPY

13.1. We have, however, examined the original records and find that, in each of the three cases, the arrest was intimated to the wives of the respective detenus/petitioners. This fact was also intimated to the detenus. We therefore hold that there is no procedural irregularity on that ground.

14. The learned counsel for the petitioner in H.C.P.(MD)No.374 of 2025 stated that the claim of the de-facto complainant, while lodging the complaint, that the deceased had filed representations to the authorities and had also instituted a case before the Madurai Bench of the Madras High Court against certain quarry operators, had not been substantiated by any documentary evidence.

14.1. We would, however, point out that this statement was merely part of the complaint made by the wife of the deceased to the Police authorities, based on which the F.I.R. was registered. This was not the basis for passing the detention orders, which were instead founded on the offences committed by the accused leading to the murder of the husband of the de-facto complainant. We, therefore, hold that these references were included only to maintain continuity in the



H.C.P.(MD)Nos.374, 375 and 426 of 2025

narration of facts and were not relied upon by the detaining authority, and consequently, no prejudice has been caused to the detenus.

15. The learned counsel for the petitioner in H.C.P.(MD)No.426 of 2025 contended that the remand extension order from 06.02.2025 to 20.02.2025 had not been produced as a document.

15.1. We would have considered this contention had the initial order of remand not been produced and served on the detenus. However, that had been duly done. The remand extension orders were mere formalities completed by the learned Judicial Magistrate. In fact, the detenus were also taken into Police custody, and the relevant documents relating thereto are available on record. No prejudice has been shown to have been caused by the non-production of the remand extension order. It is not a primary document relied upon by the detaining authority for passing the detention orders. We therefore hold that no prejudice has been caused to the detenus by the alleged non-production of the remand extension order.



H.C.P.(MD)Nos.374, 375 and 426 of 2025

WEB COPY

16. No other grounds have been raised on behalf of the petitioners, and we are not persuaded by the contentions advanced before us.

17. As pointed out earlier, we have perused the entire original records, commencing from the lodging of the complaint before the Thirumayam Police Station at Pudukkottai up to the date of passing of the detention orders, and thereafter, until the representations given were considered and finally rejected by the authorities.

18. We have called for the original records from the State Secretariat at Chennai and from the Office of the District Collector, Pudukkottai. On examination, we find that there has been no infraction of any statutory procedure laid down, and there has certainly been no withholding of any vital document which formed the basis for passing the detention orders from the purview of the detenus.



H.C.P.(MD)Nos.374, 375 and 426 of 2025

WEB COPY

19. In view of the foregoing facts, we hold that the petitions do not merit any consideration. Accordingly, they are dismissed.

Index : Yes
NCC : Yes
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To

[C.V.K., J.] & [R.V., J.]
28.10.2025

- 1.The Additional Chief Secretary to Government of Tamil Nadu,
Home, Prohibition and Excise [XIV] Department,
Fort St. George,
Chennai – 600 009.
- 2.The District Magistrate and District Collector,
Pudukkottai District,
Pudukkottai.
- 3.The Superintendent,
Central Prison,
Trichy.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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H.C.P.(MD)Nos.374, 375 and 426 of 2025

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

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PRE-DELIVERY COMMON ORDER MADE IN
H.C.P.(MD)Nos.374, 375 and 426 of 2025

28.10.2025