



H.C.P.(MD)No.507 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
07.11.2025	14.11.2025

CORAM:

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

H.C.P.(MD)No.507 of 2025

Madumitha

... Petitioner / Wife of the Detenu

VS.

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

2.The Commissioner of Police,
Office of the Commissioner of Police,
Tiruchirappalli City.

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

... 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 entire records



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connected with the detention order of the second respondent in C.No. 38/Detention/C.P.O./TC/2025 dated 30.03.2025, quash the same and direct the respondents to produce the body or person of the detenu by name Sabari, son of Ashokkumar, aged about 34 years, now detained as 'Drug Offender' in 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

C.V.KARTHIKEYAN, J.

The petitioner is the wife of the detenu *viz.*, Sabari, aged about 34 years. The detenu has been detained by the second respondent in C.No. 38/Detention/C.P.O./TC/2025, dated 30.03.2025, holding him to be a 'Drug Offender', as contemplated under Section 2(e) of the 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. The first ground raised by the learned counsel for the petitioner pertains to the Certificate issued by the Chief Civil Surgeon, Professor and Head, Department of Forensic Medicine, Government Medical College, Trichy, relating to the effects of smoking Ganja and the symptoms and signs that appear soon after consumption. The learned counsel submitted that there is a discrepancy between the English and Tamil versions of the Certificate, contending that PEW Case No.26/2025 dated 29.03.2025 had not been incorporated in the Tamil version.

3.1. This ground does not withstand the scrutiny of this Court. A careful perusal of the documents shows that the Certificate consists of three pages. The first and second pages contain the English version, and the same Doctor had translated it into Tamil, which is provided on the third page. In fact, on the second page, he specifically noted that the Tamil version of the opinion is attached at Page No.3. The Tamil version clearly mentions PEW Case No.26/25 dated 29.03.2025, Crime No.45/25, and the offences under the NDPS Act. There is no discrepancy between the English and Tamil versions. The symptoms listed in English on Pages 1 and 2 are identically reflected on Page 3 in Tamil.



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3.2. Even though it has been contended that a representation was sent in this regard, we reject this ground and hold that the Tamil version correctly reflects the English version.

4. The second ground raised by the learned counsel for the petitioner relates to the antecedents of the detenu, which were provided separately in the documents supplied to him. It was contended that these details were not furnished in the Tamil version.

4.1. We are not inclined to accept this contention. The remand report filed before the Judicial Magistrate Court No.II, Trichy, by the Investigating Officer prepared in Tamil, clearly states the details of the previous cases in which the detenu had been involved. A perusal of the record shows that there are six previous cases against the detenu, all being offences under the NDPS Act. Accordingly, this ground is rejected.

5. The third ground raised by the learned counsel for the petitioner relates to the remand order passed by the learned Judicial Magistrate No.II at Trichy. It



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was contended that the order was written in freehand and, therefore, could not be read by the detenu.

5.1. The learned Additional Public Prosecutor, however, pointed out that the subsequent pages contain both the typed Tamil version and the typed English version of the order. The learned Additional Public Prosecutor also submitted that, although the remand order was written in freehand by the learned Judicial Magistrate No.II, the handwriting is easily readable and legible.

5.2. We have also perused the remand order. It is certainly legible and readable. Additionally, the respondents have provided both the typed English version and the typed Tamil version. Accordingly, this ground is also rejected.

6. The fourth ground raised by the learned counsel for the petitioner relates to the petition filed during the course of detention in CrI.M.P.(MD)No.11971 of 2025, seeking a direction for the temporary release of the detenu to take care of his wife, who was in the family way. This Court, by order dated 23.09.2025, took note of Section 15 of the Tamil Nadu Act 14 of 1982 and directed that the



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Government alone could take a decision in this regard, and accordingly, directed the Government to pass appropriate orders on or before 07.10.2025. The Government passed an order on 29.09.2025 and forwarded a copy to the petitioner. The learned counsel for the petitioner contended that this rejection order is cryptic and not in conformity with the directions of this Court.

6.1. We have perused the order dated 29.09.2025, which states that the Government carefully considered the petitioner's representation seeking leave for one month but found that it could not be considered and it was therefore rejected. This issue relates not to the legality of the detention of the detenu, but to a subsequent request for temporary leave. We are not inclined to accept this as a ground to quash the detention order.

7. We also considered the timeline regarding the representations submitted to the Government. The detention order was passed on 30.03.2025. The postal receipt enclosed with the representation shows that it was forwarded on 25.04.2025, received by the Government on 28.04.2025, processed on 29.04.2025, and the rejection letter was prepared and despatched through Speed



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Post on 30.04.2025. The letter was received by the Prison Department and served on the detenu on 02.05.2025. It is evident that there was no delay in considering the representation.

8. In view of these reasons, and after rejecting all the grounds raised, the Habeas Corpus Petition stands dismissed.

Index : Yes / No
NCC : Yes / No
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[C.V.K., J.] & [R.V., J.]
14.11.2025

To

- 1.The Principal Secretary to Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai – 600 009.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Tiruchirappalli City.
- 3.The Superintendent of Police,
Trichy Central Prison,
Trichy District.



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



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and
R.VIJAYAKUMAR, J.

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PRE-DELIVERY ORDER MADE IN
H.C.P.(MD)No.507 of 2025

14.11.2025