



H.C.P.(MD)No.529 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2025

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.529 of 2025

Mahalakshmi

... Petitioner/
Wife of the Detenu

-VS-

State of Tamilnadu,

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

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

3.The Superintendent of Prison,
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 records
pertaining to the impugned detention order passed by the second



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respondent made in his proceedings in P.D.No.10/2025 dated 20.03.2025 in detaining the detenu under Section 2(ggg) of the Tamilnadu Act 14 of 1982 as a Sexual Offender and quash the same and direct the respondents to produce the detenu namely Sakthivel, S/o.Karuppaiya, Male, aged about 41 years, who is detained at Central Prison, Tiruchirappalli, before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.K. ILANTHIRAIYAN,J.**)

The petitioner is the wife of the detenu viz., Sakthivel, son of Karuppaiya, aged about 41 years. The detenu has been detained by the second respondent by his order in P.D.No.10/2025, dated 20.03.2025 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

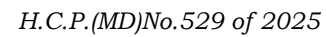


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respondents. We have also perused the records produced by the Detaining Authority.

3. The learned counsel appearing for the petitioner raised the grounds that there was an unexplained delay while detaining the detenu under Act 14 of 1982. The detenu was arrested and remanded to judicial custody on 24.01.2025 in pursuant to the registration of the FIR in Cr.No. 3 of 2025 for offences under Sections 7,8,3,4,12(a) and 14(1) of POCSO Act, but the detention order was passed only on 20.03.2025. Further, the detenu or his relatives did not file any bail application, but the detaining authority without application of mind stated in the grounds of detention that the petitioner herein is taking steps to file the bail application for the detenu. He further submitted that the representation of the petitioner was not considered in time.

4. On a perusal of the counter affidavit filed by the respondents and also the submission made by the learned Additional Public Prosecutor reveals that the detenu involved in very serious and heinous offence and there are four minor victim girls. Therefore, the



5. In the case of sexual offence, the delay in passing the detention order cannot be considered since the sponsoring authority was given sufficient time to collect all the materials as against the detenu. In sponsoring the detenu to detain under Act 14 of 1982. Insofar as the detention is concerned, the representation is dated 29.04.2025 received by the Government on 02.05.2025 and the same was forwarded on 05.05.2025 and it was despatched on 06.05.2025. Further, in the application for bail is concerned, there is a real apprehension by the detaining authority that the detenu or his family may at any time file an application for bail. Therefore, this Court is not bound to interfere with the order of detention passed by the detaining authority and there is no illegality or irregularity in the order and it is liable to be set aside.



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6. Accordingly, this habeas corpus petition is dismissed.

[G.K.I., J.]

[R.P., J.]

10.12.2025

am

NCC :Yes/No

Index: Yes/No

Internet: Yes/No

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Thanjavur District,
Thanjavur.
- 3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
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