



H.C.P.(MD)No.555 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
18.09.2025	24.09.2025

CORAM:

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

H.C.P.(MD)No.555 of 2025

Sakunthala

... Petitioner / Mother of Detenu

VS.

- 1.State of Tamil Nadu Rep. by its,
The Additional Chief Secretary to Government,
Home, Prohibition and Excise (XIV) Department,
Secretariat,
Fort St. George,
Chennai - 9.
- 2.The District Magistrate and District Collector,
Pudukkottai District,
Pudukkottai.
- 3.The Superintendent,
Central Prison,
Trichy.



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4.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai 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 relating to the detention order passed by the second respondent in Detention Order No.P.D.O.2/2025, dated 08.02.2025, quash the same and direct the respondents to produce the body or person of the petitioner's son, the detenu, namely, Marimuthu @ Oosi Marimuthu, S/o.Ravi, aged 24 years, now confined at Central Prison, Trichy, before this Court before this Court and set him at liberty forthwith.

For Petitioner

: Mr.D.Rameshkumar

For Respondents

: Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

C.V.KARTHIKEYAN, J.

The present Habeas Corpus Petition has been filed by the mother of the detenu seeking to quash the detention order passed by the second respondent dated 08.02.2025.



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2. The learned counsel for the petitioner submitted that the detenu had two prior cases of a similar nature in addition to the ground case. He pointed out that in the detention order, the Detaining Authority had stated that, based on the documents submitted before him, it was evident that the detenu possessed drug tablets with the intention of selling them to innocent people. The learned counsel argued that the documents which led the Detaining Authority to arrive at this subjective satisfaction had not been furnished to the detenu.

3. We hold that the commercial sale of contraband is not a natural corollary of possession. The quantity seized, however, certainly does not suggest the drugs were meant for personal consumption. Therefore, we are not inclined to accept the argument advanced by the learned counsel for the petitioner on this point.

4. The learned counsel further contended that the Detaining Authority had stated in the detention order that there was every possibility of the detenu being released on bail, while overlooking the fact that the bail application in CrI.M.P. No.264 of 2025 had already been dismissed on 06.02.2025. He argued that once the first bail application had been rejected, the likelihood of a second bail



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application being allowed was remote, and thus the Detaining Authority's assumption was based on mere conjecture, unsupported by concrete material.

5. However, we note that the Detaining Authority had merely recorded that the bail application in CrI.M.P.No.264 of 2025 was dismissed on 06.02.2025 and observed that there is a possibility of the detenu filing another bail petition and being released on bail. We are of the view that there is equal possibility of either dismissal or acceptance of a subsequent bail application and we find no infirmity in the inference of the Detaining Authority on this ground.

6. The learned counsel further argued that the detenu was arrested on 17.01.2025 at 09:15 hours and that the Memo of Arrest already contained the crime number, which, according to him, vitiates the detention order. In this regard, reliance was placed on the judgment in **Raji vs. State of Tamil Nadu, Rep. by its Secretary to Government and Another** reported in **2010 SCC OnLine Mad 5448**, wherein a Division Bench of this Court had made pertinent observations on this issue:-



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"9. As could be seen from F.I.R., which is found in page No.77 of the booklet, a case in Crime No.176 of 2010 was registered by P.E.W. St. Thomas Mount Unit on 2.6.2010 at 19.00 hours. But the arrest memo, as found in page No.88 of the booklet, contains Crime number, which was prepared at 15.00 hours. While the case was registered at 19.00 hours, the arrest memo, which was prepared at about 15.00 hours contains the crime number. A clarification should have been called for by the Detaining Authority, but he has failed to do so."

The learned counsel for the petitioner pointed out that in the case cited, the Division Bench had allowed the Habeas Corpus Petition.

7. However, in the present case, a careful reading of the First Information Report reveals that when the police party was on patrol on 17.01.2025, they apprehended the accused along with the contraband at 09:15 a.m. The process of taking samples and recording the confessions took place between 10:45 a.m. and 11:15 a.m. Thereafter, the accused was brought to the Police Station, and the FIR was registered at 12:00 noon.



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8. Following the registration of the FIR at 12:00 noon, which clearly stated that the offence occurred from 09:00 a.m. onwards, the Arrest Memo was prepared, noting that the detenu had been arrested at 09:15 a.m. At the time of preparing the Arrest Memo, the crime number (FIR number) was already available and, therefore, was naturally included in the Memo.

9. The facts in the case relied upon by the learned counsel are clearly distinguishable. In that case, the FIR was registered at 07:00 p.m., whereas the Arrest Memo containing the crime number had been prepared earlier, at 03:00 p.m., which is a significant irregularity.

10. However, in the present case, the FIR was registered after the accused had been brought to the Police Station, and only thereafter the Arrest Memo was prepared. Since the FIR had already been registered by that time, inclusion of the FIR number in the Arrest Memo does not vitiate the procedure.



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11. We find that the facts of the present case are materially different from those in the case cited by the learned counsel for the petitioner, and we are not inclined to accept the learned counsel's argument on this ground.

12. Apart from the above, no other grounds have been raised in the Habeas Corpus Petition. The Habeas Corpus Petition therefore stands dismissed.

Index : Yes / No
NCC : Yes / No
smn2

[C.V.K., J.] & [R.V., J.]
24.09.2025

To

- 1.The Additional Chief Secretary to Government of Tamil Nadu,
Home, Prohibition and Excise (XIV) Department,
Secretariat,
Fort St. George,
Chennai - 9.
- 2.The District Magistrate and District Collector,
Pudukkottai District,
Pudukkottai.



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- 3.The Superintendent,
Central Prison,
Trichy.
- 4.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

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PRE-DELIVERY ORDER MADE IN
H.C.P.(MD)No.555 of 2025

24.09.2025