



H.C.P.(MD)Nos.554, 560 and 1062 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
22.10.2025	27.10.2025

CORAM:

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

H.C.P.(MD)Nos.554, 560 and 1062 of 2025

H.C.P.(MD)No.554 of 2025:-

Backiyalakshmi

... Petitioner / Sister of the Detenu

vs.

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai.
- 2.The District Magistrate and the District Collector,
Office of the District Magistrate and the District Collector,
Virudhunagar.
- 3.The Superintendent of Prison,
Central Prison,
Madurai.



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4.State of Tamil Nadu,
The Inspector of Police,
Srivilliputhur All Women Police Station,
Virudhunagar 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 connected with the detention order of the second respondent in Cr.M.P.No.4 of 2025 dated 10.03.2025, quash the same as illegal and direct the respondents to produce the body or person of the petitioner's brother namely, Keelakarai @ Karthi, son of Chigapan, aged about 30 years, now confined at Central Prison, Madurai, before this Court and set him at liberty forthwith.

For Petitioner

: Mr.S.M.A.Jinnah

For Respondents

: Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

H.C.P.(MD)No.560 of 2025:-

Divya @ Divya Kallachi

... Petitioner / Detenue

vs.

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



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2.The District Magistrate and District Collector,
O/o.the District Magistrate and District Collector,
Virudhunagar.

3.The Superintendent of Prison,
Madurai Special Prison for Women,
Madurai 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 connected with the detention order of the second respondent in Cr.M.P.No.3 of 2025 [Sexual Offender] dated 10.03.2025 quash the same as illegal and direct the respondents to produce the body or person of the detinue, by name, Divya @ Divya Kallachi, daughter of Somasundaram, aged about 30 years, now detained at Madurai Special Prison for Women before this Court and set her at liberty forthwith.

For Petitioner

: Dr.R.Alagumani

For Respondents

: Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

H.C.P.(MD)No.1062 of 2025:-

Prasanna Venkatesh

... Petitioner / Husband of the Detenue

vs.



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- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai.
- 2.The District Magistrate and the District Collector,
Office of the District Magistrate and the District Collector,
Virudhunagar.
- 3.The Superintendent of Prison,
Central Prison for Women,
Madurai.
- 4.State of Tamil Nadu,
The Inspector of Police,
Srivilliputhur All Women Police Station,
Virudhunagar 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 connected with the detention order of the second respondent in Cr.M.P.No.5 of 2025 dated 10.03.2025, quash the same as illegal and direct the respondents to produce the body or person of the petitioner's wife namely, Chitra, wife of Prasanna Venkatesh, aged about 54 years, now confined at Central Prison for Women, Madurai, before this Court and set her at liberty forthwith.

For Petitioner

: Mr.S.M.A.Jinnah

For Respondents

: Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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COMMON ORDER

C.V.KARTHIKEYAN, J.

All these three Habeas Corpus Petitions arise out of the detention of the three accused, namely, (i) Keelakarai @ Karthi [A2], the brother of the petitioner in H.C.P.(MD)No.554 of 2025; (ii) Divya @ Divya Kallachi [A1], the petitioner in H.C.P.(MD)No.560 of 2025; and (iii) Chitra [A3], the wife of the petitioner in H.C.P.(MD)No.1062 of 2025 in Crime No.6 of 2025 registered by the All Women Police Station, Srivilliputhur, Virudhunagar District, for offences punishable under Sections 7, 8, 14(1), 15(2), 16, and 17 of the Protection of Children from Sexual Offences Act, 2012 [in short, “POCSO Act”]. The three detenues have been branded as “Sexual Offenders” as contemplated under Section 2(ggg) of the Tamil Nadu Act 14 of 1982.

2. Common arguments were advanced in all three Habeas Corpus Petitions by Mr.S.M.A.Jinnah, learned counsel for the petitioners in H.C.P.(MD)Nos.554 and 1062 of 2025 and Dr.R.Alagumani, learned counsel for the petitioner in H.C.P.(MD)No.560 of 2025, who also raised common grounds seeking to quash the detention orders. In view of the same, a common order is passed.

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3. Even before proceeding with the grounds raised by the learned counsels for the petitioners, it would be appropriate to briefly state the nature of the allegations against the detenues. It has been contended that information was received on 27.01.2025 over phone by the Counsellor of the District Child Protection Unit, Srivilliputhur, Virudhunagar District. Based on such information, on 28.01.2025, the Counsellor enquired two minor boys, who revealed that the detenues had taken videos of the boys in compromising positions with two of the detenues, while the third detenu recorded the act with the intention of uploading the videos on a YouTube channel to earn money.

4. This information was forwarded through a report to the All Women Police Station, Srivilliputhur, pursuant to which F.I.R. in Crime No.6 of 2025 was registered for offences punishable under the provisions of the POCSO Act, as stated above.

5. The accused were taken into custody on 29.01.2025, and detention orders under the Tamil Nadu Act 14 of 1982, branding them as “Sexual Offenders,” were passed on 10.03.2025.

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6. The first ground urged by the learned counsels for the petitioners was that a representation had been given on 20.03.2025 to the Detaining Authority. It is alleged that, though the said representation had been received on 21.03.2025, it was not placed before the Advisory Board, which conducted its hearing on 09.04.2025. In the confirmation order of the Advisory Board, there is no reference to the representation dated 20.03.2025.

6.1. The learned Additional Public Prosecutor, however, submitted that the representation was received only after the approval had been granted on 21.03.2025. It was further contended that an independent representation addressed to the State Advisory Board had been placed before it and duly considered. Since the representation to the Detaining Authority had been received only after the approval of the detention order on 21.03.2025, the Detaining Authority could not have acted upon it.

6.2. We have carefully perused the records. It is seen that the representation dated 20.03.2025 was received in the office of the Detaining Authority on 21.03.2025, after the detention order had been approved. It is also seen that



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separate representations had been addressed specifically to the Advisory Board, and those representations were duly placed before and considered by the Advisory Board. We therefore hold that all relevant records were perused, as reflected in the order of the Advisory Board, and that there has been sufficient compliance regarding the consideration of the representations forwarded to the Advisory Board. Accordingly, we are not inclined to agree with the contention advanced by the learned counsels for the petitioners on this ground.

7. The second ground raised by the learned counsels for the petitioners was that the order of approval was dated 21.03.2025, but the same was communicated to the detenues only on 27.03.2025, resulting in a delay of six days. In this connection, the learned counsels for the petitioners placed reliance on the judgment of a Coordinate Bench of this Court in **H.C.P.(MD)No.1532 of 2015 [Rajaguru vs. The Additional Secretary, Government of India, Ministry of Consumer Affairs, Food and Public Distribution and others]** dated 08.12.2015, wherein the Division Bench held that a detention under the provisions of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980, stood vitiated owing to the delay in



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communicating the order of approval. In that case, the order of approval had been passed on 16.10.2015 but was communicated only on 23.10.2015.

7.1. The learned Additional Public Prosecutor, however, contended that a grievance can be raised only when the right to make a representation has been infringed. In this regard, he drew attention to Article 22(5) of the Constitution of India, which provides as follows:-

"22. Protection against arrest and detention in certain cases.-

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order."

7.2. It was further submitted that the detenues had, in fact, submitted their representations to the authorities concerned, and the same had been duly considered in the manner known to law.



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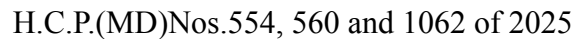
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7.3. We find that the judgment relied upon by the learned counsels for the petitioners would not be directly applicable to the present case, since, in all three cases, the detenues had submitted their representations, which were considered by the appropriate authorities. Hence, it cannot be said that there was any substantial delay in communicating the order of the Detaining Authority to the detenues. We therefore reject this ground raised by the petitioners.

8. The third ground raised by the learned counsels for the petitioners was that, in the booklet containing the documents relied upon by the Detaining Authority, the remand order had been included in duplicate, which, according to the learned counsel for the petitioners, caused confusion in the minds of the detenues.

8.1. The learned Additional Public Prosecutor, however, explained that the first copy of the remand order was not clearly visible and appeared darkened, and therefore, in order to enable the detenues to make an effective representation, a clean and legible copy of the same document was appended in the booklet.

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9. The fourth ground raised by the learned counsels for the petitioners pertains to the Government Order, namely G.O.(D)No.48, Home, Prohibition and Excise (XVI) Department, dated 09.01.2025, relied upon by the Detaining Authority. It was contended that, while the correct English version of the said Government Order had been furnished, the Tamil version supplied to the detenues was that of a different Government Order, namely G.O.(D)No.303, Home, Prohibition and Excise (XVI) Department, dated 09.01.2025.

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9.2. We have perused the records and find that both Government Orders are *pari materia* and substantially identical in content.

9.3. In **E.Subbulakshmi vs. State of Tamil Nadu through Secretary to Government and others** reported in **(2017) 1 SCC 757**, the Hon'ble Supreme Court held as follows:-

"15. From the plain language of the impugned detention order, it is seen that the stated Government Order dated 18-10-2015 is an order issued by the State Government authorising or delegating power to the Commissioner of Police, Chennai, to issue order under Section 3(2) of the 1982 Act. The question is, whether it was mandatory for the detaining authority to supply copy of this government order to the detenu. The order having been issued in exercise of powers conferred under Section 3(1) of the 1982 Act and being a statutory order has nothing to do with the grounds of detention. What is imperative is to supply all the documents which are relied upon by the detaining authority for forming subjective satisfaction for the purposes of Article 22(5) of the Constitution of India. The government order, however, is regarding the delegation of power to the Commissioner of Police to issue detention order. The validity of that order has not been challenged by the petitioner. In other words, the power of the Commissioner of Police, Greater Chennai Police, Chennai to pass a detention order, is not put in issue.

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The said government order is not relevant for forming subjective satisfaction by the detaining authority. The grounds of detention are about the prejudicial activities in which the detenu had indulged in the past; or in the view of the detaining authority the detenu has the propensity to indulge in similar prejudicial activities even in future. That is the quintessence for exercising power to detain any person. Suffice it to observe that the subject document, not being a relied upon document in the grounds of detention or for forming subjective satisfaction by the detaining authority, failure to furnish copy thereof to the detenu does not vitiate the action taken by the detaining authority nor the continued detention of the detenu. In our opinion, even this submission is devoid of merits."

9.4. In the aforesaid decision, the Government Order referred to by the Detaining Authority was issued by the State Government authorising or delegating power to issue an order under Section 3(2) of the Tamil Nadu Act 14 of 1982. It was specifically held that such a Government Order is not relevant for forming the subjective satisfaction of the Detaining Authority.

9.5. In the light of the above decision, we hold that the minor discrepancy in furnishing a different Government Order, which in essence conveys the same



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substance, has not prejudicially affected the rights of the detenues. Accordingly, this ground also fails.

10. The next ground raised by the learned counsels for the petitioners was that it had been alleged that the two victim boys were aged below 18 years. It was contended that one of the boys was just four days short of completing 18 years, while the other was aged 15 years. The learned counsels for the petitioners further contended that no documents had been appended to establish the age of the victim boys.

10.1. The learned Additional Public Prosecutor, however, submitted that the confession statements of the detenues were available, wherein they had admitted that the victims were below 18 years of age. He further submitted that, during the course of trial, necessary documentary evidence would be produced to establish the same. It was also contended that the Detaining Authority had placed reliance on the materials available at the time of passing the detention order and had arrived at its subjective satisfaction that the victims were minors. The First Information Report itself had been registered under the provisions of the POCSO Act, on the premise that the victim boys were below 18 years of age.

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10.2. We have carefully perused the records and find that one of the victims was certainly a minor. The question as to whether the other boy was below 18 years is a matter to be examined during the course of trial. For the purpose of arriving at subjective satisfaction while passing the detention order, the Detaining Authority had relied upon the materials available on record, which, in our view, were sufficient. We therefore reject this ground raised by the learned counsels for the petitioners.

11. The last ground urged by the learned counsels for the petitioners pertains to the remand order passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Virudhunagar District at Srivilliputhur. It has been contended that the learned Sessions Judge had passed the remand order in freehand writing, rendering it indecipherable. It is further complained that although a Tamil translation of the said order had been typed and furnished, the detenues were unable to verify whether it was an accurate translation of the original order.



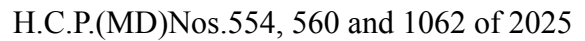
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11.1. We have carefully perused the remand order passed by the learned Sessions Judge. We must readily acknowledge that this Division Bench has, on earlier occasions, quashed several detention orders where the remand orders, written in freehand either by Judicial Magistrates or Sessions Judges, were indecipherable, making it impossible to provide an accurate Tamil translation for the benefit of the detainees. However, each case must be examined on its own facts to ascertain whether a particular handwritten remand order is indeed indecipherable, and whether the translated version correctly reflects the contents of the original. It would not be proper for this Court to mechanically apply the same principle in every case without examining whether the translation furnished provides a reasonable opportunity to the detainees to make an effective representation.

11.2. In the present case, the learned Sessions Judge has specifically recorded that the detainees, when produced before him for remand, had stated that they had already engaged counsel. It has also been noted that the nature of the remand order was explained to the detainees, and they had affixed their signatures acknowledging that they had understood the contents of the order. Furthermore,

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11.3. In view of the above facts, we consciously depart from certain earlier orders rendered by this Bench on different factual contexts. In the present case, since a Tamil translation of the remand order had been furnished, the learned Sessions Judge had duly explained its contents, and the detainees had acknowledged their understanding by signing the order, we find no ground to interfere with the validity of the remand proceedings on this score.

11.4. In this connection, we also refer to the judgment of the Hon'ble Supreme Court in **Jaseela Shaji vs. Union of India and Others** reported in **(2024) 9 SCC 53**, wherein the Hon'ble Supreme Court held that all documents



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relied upon by the detaining authority for arriving at its subjective satisfaction must necessarily be furnished to the detenues. The relevant portion of the said judgment reads as follows:-

"45. No doubt, as has been reiterated time and again by this Court, it may not be necessary to supply each and every document to which a passing or casual reference is made. However, all such material which has been relied on by the detaining authority while arriving at its subjective satisfaction will imperatively have to be supplied to the detenu.

46. In our view, the documents relied on by the detaining authority which form the basis of the material facts which have been taken into consideration to form a chain of events could not be severed and the High Court was not justified in coming to a finding that despite eschewing of certain material taken into consideration by the detaining authority, the detention order can be sustained by holding that the detaining authority would have arrived at such a subjective satisfaction even without such material."

11.5. In the present case, however, the remand order cannot be treated as a central or relied-upon document forming the basis for the detaining authority's subjective satisfaction. It merely constitutes an order of the learned Sessions



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Judge remanding the accused to judicial custody following their arrest and production before the Court.

11.6. In view of these distinguishing features, we are not persuaded to accept the contention advanced by the learned counsel for the petitioners on this ground, and the same stands rejected.

12. We have also, on our own volition, examined the dates on which the representations were dealt with by the authorities. We find that the representations were addressed without any delay at any stage.

12.1. The issue of delay in considering the representations was not specifically urged by the learned counsel for the petitioners. However, to satisfy our conscience, we called for detailed information regarding the dates on which each representation was considered by the respective authorities. We are satisfied that there has been no undue delay in the consideration of the same.



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

14. Upon thorough consideration of the submissions made and a careful perusal of the materials on record, we find no infirmity in the detention orders that would warrant interference by this Court. Accordingly, these three Habeas Corpus Petitions stand dismissed.

Index : Yes / No
NCC : Yes / No
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[C.V.K., J.] & [R.V., J.]
27.10.2025

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Secretariat,
Chennai – 600 009.
- 2.The District Magistrate and the District Collector,
O/o.the District Magistrate and the District Collector,
Virudhunagar.
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- 4.The Superintendent of Prison,
Madurai Special Prison for Women,
Madurai District.
- 5.The Inspector of Police,
Srivilliputhur All Women Police Station,
Virudhunagar District.
- 6.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 COMMON ORDER MADE IN
H.C.P.(MD)Nos.554, 560 and 1062 of 2025

27.10.2025

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