



H.C.P.(MD)No.635 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2025

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

H.C.P.(MD)No.635 of 2025

Vinoth Kumar

... Petitioner

-VS-

State of Tamil Nadu Rep. by

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

2.The District Collector and District Magistrate,
Office of the District Collector,
Thanjavur District.

3.The Inspector of Police,
Vallam All Women Police Station,
Thanjavur District.

4.The Superintendent of Prison,
Central Prison,
Trichy District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the entire records leading to the detention of the petitioner's brother Deena alias Dineshkumar son of Kaliyamoorthy, aged about 32 years vide detention order dated 31.03.2025 made in P.D.No.15/2025 passed by the second respondent and quash the same and consequently direct the respondents to produce the body or person of the detenu, now detained at Central Prison, Trichy before this Court and set him at liberty.

For Petitioner : Mr.M.Vivek
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 brother of the detenu viz., Deena alias Dineshkumar, son of Kaliyamoorthy, aged about 32 years. The detenu has been detained by the second respondent by his order in P.D.No.15 of 2025, dated 31.03.2025 holding him to be a "Sexural 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.



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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.

3. The learned counsel appearing for the petitioner raised the following grounds:-

The detenu was arrested on 17.02.2025 and he was detained under Act 14 of 1982, on 31.03.2025 and hence, there was a delay of 40 days in passing the detention order. Further, the detenu was not served with translated copy of Page 49 of the booklet. In view of the above reasons, the detenu could not able to submit an effective representation .

4. On a perusal of the records, counter affidavit filed by the respondents and the submission made by the learned Additional Public Prosecutor appearing for the respondents reveal that though there was a delay of 40 days in passing the detention order, the detenu and two other accused have committed heinous crime of POCSO offence as against the minor girl aged about 8 years. The statements recorded from the victim



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girl reveal that the detenu had committed penetrative sexual assault on the victim child and therefore, the investigation officer took time to collect all the documents, such as, 164 Cr.P.C., statement, report of the medical examination and thereafter, recommended the detenu to be detained under Act, 14 of 1982. Therefore, in the case of sexual offence, delay for passing the detention order is not a matter to be considered. Further, only on the presence of the detenu, order of remand was extended and as such, non supply of remand extension order would not cause any prejudice to the detenu while making an effective representation for reconsidering the order of detention.

5. Therefore, this Court finds no ground to quash the detention order and the habeas corpus petition is liable to be dismissed. Accordingly, the habeas corpus petition is dismissed.

[G.K.I., J.] [R.P., J.]
05.12.2025

am
NCC :Yes/No
Index: Yes/No
Internet: Yes/No



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To

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- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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G.K. ILANTHIRAIYAN,J.
AND
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