



H.C.P(MD)No.647 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2025

CORAM:

**THE HONOURABLE Mr.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE Mr.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD) No.647 of 2025

Hemalatha

... Petitioner

Vs

1. The State of Tamilnadu, Rep By its,
The Principal Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Fort St.George,
Chennai - 9.

2. The Commissioner of Police,
Trichy City.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order of the 2nd respondent in C.No. 37/Detention/C.P.O/T.C/2025 dated 29.03.2025 and detained at Central Prison, Tiruchirappalli and quash the same and direct the respondents to produce the body or person of the petitioner's husband Suresh Kumar,



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male aged about 31 years, son of Ganesan and set him at liberty forthwith.

For Petitioner : Mr.B.Jameelarasu

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor

ORDER

(Order of the Court was made by C.V.KARTHIKEYAN,J.)

The petitioner is the wife of the detenu viz., Sureshkumar, S/o.Ganesan, aged about 31 years. The detenu has been detained by the second respondent in C.No.37/Detention/C.P.O/T.C/2025, dated 29.03.2025 holding him to be a 'Goonda', as contemplated under Section 2(f) 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 respondents. We have also perused the records produced by the Detaining Authority.



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3. Though several points have been raised by the learned counsel for the petitioner, it is stated that the detention order is liable to be quashed on the ground that the remand order of the Judicial Magistrate-V, Tiruchirappalli had been written in free hand, which is indecipherable and illegible. Hence, it is submitted that the detenu was deprived of making effective representation.

4. The learned Additional Public Prosecutor appearing for the respondents has opposed this Habeas Corpus Petition by filing counter.

5. On a perusal of the booklet, it is seen that the learned Judicial Magistrate No.V, Tiruchirappalli had remanded the accused by writing down the order in free hand, which is indecipherable and illegible and it is not known whether the typed version of the remand order is a proper translation of the remand order. We, therefore, have no hesitation in quashing the impugned detention order.

6. In the result, the Habeas Corpus Petition is allowed. The detention order passed in C.No.37/Detention/C.P.O/T.C/2025, dated



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29.03.2025 by the 2nd respondent, is set aside. Consequently, the detenu viz., Sureshkumar, S/o.Ganesan, aged about 31 years, is directed to be released forthwith, unless his presence or custody or detention is required in connection with any other case.

(C.V.K., J.) (R.V., J.)
07.11.2025

Index : Yes / No
NCC : Yes / No
Internet : Yes
vsm



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To

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Chennai - 9.
2. The Commissioner of Police,
Trichy City.
3. The Superintendent of Prison,
Central Prison,
Trichy.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

vsm

ORDER MADE IN
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07.11.2025