



H.C.P.(MD)No.729 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2025

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

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Shanthi

... Petitioner/Mother of the detenu

-VS-

1.State of Tamilnadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

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

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 2nd respondent



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made in his proceedings in Cr.M.P.No.18/2025 dated 25.04.2025 in detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda and quash the same and direct the respondents to produce the detenu namely Dhanasekaran, S/o.Selvaraj, male, aged about 33 years, who is detained in 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 mother of the detenu viz., Dhanasekaran, aged about 33 years, S/o.Selvaraj. The detenu has been detained by the second respondent by his order in Cr.M.P.No.18/2025, dated 25.04.2025 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.



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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:-

(i)The representation submitted by the petitioner was not considered in time and as such, the detenu was caused prejudice. (ii)The Accident Register of the detenu was served only in English version and the translated copy was not served on the detenu, even though, the petitioner made a representation seeking translated copy of the Accident Register. (iii) Further, the detaining authority has failed to state that in any similar case the detenu was granted bail and it shows clear non-application of mind while passing the detention order.

4. On a perusal of the counter affidavit and also the submission made by the learned Additional Public Prosecutor appearing



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for the respondents reveal that the representation submitted by the petitioner was received by the detaining authority on 25.06.2025. Though the representation sent by the petitioner on 13.06.2025 immediately thereafter, it was considered and was rejected by an order dated 30.06.2025 and the same was also duly served to the detenu. Therefore, there is no delay in considering the representation submitted by the petitioner. Insofar as relying upon the similar case is concerned, the petitioner involved in several cases, in which, regarding Cr.No.46 of 2024, the learned Judicial Magistrate, Thiruvarur has granted bail in Cr.M.P.No.4374 of 2024, dated 16.11.2024. Insofar as the other two cases in Cr.No.180 of 2024, on the file of the Karur Town Police Station for the offences under Sections 331(4) and 305(a) of BNS and in Cr.No. 269 of 2025, on the file of the Karur Town Police for the offences under Sections 296(b), 308(4) and 351(3) of BNS bail petitions filed by the detenu are pending. Therefore, there is a real possibility of coming on bail. Hence, no need to state that any other similar cases are pending since the petitioner himself has involved in several other cases and was granted bail. It does not amount to non-application of mind. Insofar



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as the non-furnishing of the Tamil version of the Accident Register is concerned, the petitioner sustained some injuries after the arrest and as such, the police brought him to the hospital for treatment, where the statement made by the police was recorded. That apart, the said document was not relied on by the detaining authority to detain the detenu. Hence, absolutely no prejudice caused to the detenu by non-furnishing of the translated copy of the Accident Register.

5. In view of the above, we find no illegality or irregularity in the detention order passed by the second respondent and hence, it is liable to be dismissed. Accordingly, this habeas corpus petition is dismissed.

[G.K.I., J.]

[R.P., J.]

02.12.2025

am

NCC :Yes/No

Index: Yes/No

Internet: Yes/No



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To

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



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G.K. ILANTHIRAIYAN,J.
AND
R. POORNIMA,J.

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