



H.C.P.(MD)No.920 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2025

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.920 of 2025

Parvathi

... Petitioner/
Mother of the Detenu

-VS-

- 1.The State of Tamilnadu rep. by
The Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Fort St. George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Kanyakumari District at Nagercoil.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai.
- 4.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

... Respondents



H.C.P.(MD)No.920 of 2025

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the records relating to the Detention Order passed by the second respondent in P.D.No. 09/2025 dated 04.04.2025 and to quash the same and direct the respondents to produce the person or body of the detenu, Sugunesh, S/o.Raviraj, aged about 26 years, before this Court and set him at liberty, now detained at Central Prison, Palayamkottai.

For Petitioner : Mr.P.Saravanakumar

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., Sugunesh, son of Raviraj, aged about 26 years. The detenu has been detained by the second respondent by her order in P.D.No.09/2025, dated 04.04.2025 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.



H.C.P.(MD)No.920 of 2025

WEB COPY

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 grounds that the detenu was surrendered before the Judicial Magistrate No.II, Nagercoil on 10.03.2025 in pursuant to the registration of the FIR in Cr.No.144 of 2025 under Section 103(1) of BNS, 2023 and subsequently, it was altered into Section 126(2), 3(5), 238 and 103(1) of BNS, 2023, but the detention order was passed only on 04.04.2025 and hence, there was an unexplained delay while passing the order of detention. He further submitted that there was no public disturbance since the crime was committed during the night time. That apart, the detenu was implicated as an accused on the confession statement of the co-accused. Further, there is a delay in sending the detention order and grounds of detention to the Government for approval. The detention order was passed on 04.04.2025 and the same was sent to the Government for approval on 08.04.2025.



H.C.P.(MD)No.920 of 2025

WEB COPY

4. On perusal of the counter affidavit filed by the respondents and the submission of the learned Additional Public Prosecutor reveals that the detention order was passed on 04.04.2025 and the grounds of detention and other documents were received by the Government on 08.04.2025 and it was sent by the special messenger and as such, there was no delay and no violation of Section 3(3) of the Act 14 of 1982. Further, as far as the detenu is concerned, he had three adverse cases and one ground case and all the adverse cases are registered for the offence of theft. Therefore, there is a disturbance to the public and the reasons are very much satisfied by the detaining authority. Further, the detenu is a habitual offender and he finally involved in a murder case.

5. In view of the above, we find no grounds to interfere with the order of detention 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.]
12.12.2025

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



H.C.P.(MD)No.920 of 2025

WEB COPY

To

- 1.The Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Fort St. George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Kanyakumari District at Nagercoil.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai.
- 4.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD)No.920 of 2025

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

am

H.C.P.(MD)No.920 of 2025

12.12.2025