



HCP(MD)No.767 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.12.2025

CORAM:

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

HABEAS CORPUS PETITION(MD)No.767 of 2025

Dhineshkumar

... Petitioner

vs.

1. State of Tamil Nadu Rep by,
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600009.

2. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.

3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

... 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 respondent No.2 in No. 07/BCDFGISSSV/2025 dated 11.03.2025 and quash the same and direct the respondents to produce the body or person of the detenu by name Dhineshkumar, son of Babu, aged about 20 years, now detained as



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Goonda at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Dr.R.Alagumani

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 detenu viz., Dhineshkumar, son of Babu, aged about 20 years. The detenu has been detained by the second respondent by his order in No.07/BCDFGISSSV/2025 dated 11.03.2025, 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.

3. The learned counsel appearing for the petitioner would



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submit that the petitioner was arrested and remanded to judicial custody on 10.02.2025 pursuant to the registration of FIR in Crime No.44 of 2025 for the offences under Sections 126(2), 296(b), 103, 351(3) of the Bharatiya Nyaya Sanhita 2023. Thereafter, the petitioner was detained under the Act 14 of 1982 on 11.03.2025 and the order of detention was sent for approval by the detaining authority to the Government on 14.03.2025, in which, there was unexplained delay of 3 days and it is a clear violation of the provision under Section 3(3) of the Act. Further, the representation of the detenu was received by the Deputy Secretary to the Government on 26.06.2025. However, it was sent to the Government only on 30.06.2025 for its consideration. There was a delay of 4 days in forwarding the representation to the Government.

4. On perusal of the counter and the submissions made, it is seen that though the petitioner was arrested on 10.02.2025 immediately within a period of 29 days, he was detained under Act 14 of 1982. There was no huge delay. That apart, the order of detention was passed on 11.03.2025 and it was sent to the Government for approval within a period of 3 days. Therefore, it cannot be construed as any delay.



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However, insofar as considering the representation of the detenu is concerned, the representation of the detenu was received by the Deputy Secretary on 26.06.2025 and the same was forwarded to the Government only on 30.06.2025 with the delay of 4 days and the same was not explained by the respondents. On this ground alone, the order of detention cannot be sustained and liable to be quashed. That apart, the detention order in respect of the co-accused in the same crime number was quashed by this Court in HCP(MD)No.675 of 2025, dated 10.12.2025. Considering the above facts and circumstances, the order of detention cannot be sustained and liable to be quashed.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.07/BCDFGISSSV/2025 dated 11.03.2025, passed by the second respondent is set aside. The detenu, viz., Dhineshkumar, son of Babu, aged about 20 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[G.K.I., J.]

[R.P., J.]



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Index : Yes / No

Neutral Citation : Yes / No

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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
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