



H.C.P.(MD) No.788 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD) No.788 of 2025

Jeya Penci Kala

... Petitioner

Vs

1. The State of Tamilnadu,
Rep By, the Additional Chief Secretary to Government,
Home, Prohibition and Excise Dept,
Secretariat,
Chennai - 9..

2. The District Magistrate And,
District Collector, Thoothukudi District,
Thoothukudi..

3. The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli District..

4. The Inspector of Police,
Tiruchendhur All Women Police Station,
Tiruchendhur,
Thoothukudi District..

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records relating to the detention order passed by the 2nd respondent dated 10.02.2025 in Detention Order in H.S.(M).Confdl No.13/2025 and to quash the same and direct the respondents to produce the body or her husband, the detenu namely Joseph Arockia Samy S/o.Nochoolas Leon aged about 58 years, before this court and set him at liberty now detained at Central Prison, Palayamkottai.

For Petitioner : Mr.B.Ashok Kumar

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu Joseph Arockia samy aged about 58 years. The detenu has been detained by the second respondent vide his order dated 10.02.2025 in H.S.(M).Confdl No.13/2025 holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) of the 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



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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 for the petitioner stated that the detenu was arrested on 13.01.2025 and detention order had been passed on 10.02.2025. According to the learned counsel, the medical report does not support the prosecution case. However, the detention order had not been passed based on the said medical report. It is not a document relied on by the detaining authority. We, therefore, reject the first ground raised by the learned counsel for the petitioner.

4. The 2nd ground raised by the learned counsel is that there are differences in the statement recorded of the victim child under Section 161(3) of the Code of Criminal Procedure and the statement recorded under Section 164(5) of the Code of Criminal Procedure by the Judicial Magistrate. This is not a ground which can be relied on to quash the detention order. There are substantial materials on record and the detaining authority has come to subjective satisfaction not on the basis of



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the said statements recorded but based on the documents produced by the sponsoring authority.

5. The third ground raised by the learned counsel for the petitioner is that in the FIR, the nature of offence has been mentioned as Section 3(a) of the POCSO Act among other offences, but in the remand extension order, the nature of offences has been given as Section 3(d) of POCSO Act. We do not find this to be a material aspect, which would have impaired the subjective satisfaction of the detaining authority.

6. No other grounds have been raised.

7. The Habeas Corpus Petition stands dismissed.

[C.V.K., J.] [R.V., J.]

05.11.2025

NCC : Yes / No

Index : Yes / No

RR



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