



HCP(MD)No.884 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated: 03/12/2025

CORAM

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

HCP(MD)No.884 of 2025

A.Barakath Nisha : Petitioner/Mother of the detenue

Vs.

- 1.State of Tamil Nadu rep. by
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort. St. George, Chennai-09.
- 2.The Commissioner of Police,
Tiruchirappalli City, Tiruchirappalli.
- 3.The Superintendent,
Central Prison, Tiruchirappalli. : Respondents

Prayer:-This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, to call for the entire records in detention order passed in Detention Order in C.No.04/Detention/C.P.O/TC/2025, dated 22/01/2025 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the person or body of the petitioner's son namely Mohamed Selarsha, son of Abdullahsha, aged about 21 years, confined at Central Prison, Tiruchirappalli before this court.



WEB COPY



HCP(MD)No.884 of 2025

For Petitioner : Mr.M.Subash Chandra Bose
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by the Hon'ble **G.K.ILANTHIRAIYAN.J.**)

The petitioner is the mother of the detenue viz, Mohamed Selarsha, S/o.Abdullahsha, aged about 21 years. The detenue has been detained by the second respondent by his order in C.No.04/Detention/C.P.O./TC/2025, dated 22/01/2025 holding him to be a “DRUG OFFENDER” as contemplated under Section 2(e) 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 and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.



HCP(MD)No.884 of 2025

3.The detainee was arrested and remanded to judicial custody on 18/12/2024 in Crime No.667 of 2024 on the file of the Palakkarai Police Station for the offence under Section 123 of BNS, 2023 r/w 18(c) of Drugs and Cosmetics Act, 1940. Since the detainee was involved in several case, the Sponsoring Authority sponsored the detainee under Act 14. After verifying the records furnished by the Sponsoring Authority, the Detaining Authority detained the detainee under Act 14, by order, dated 22/01/2025.

4.The learned counsel for the petitioner submits that there was huge delay in passing the order of detention from the date of his arrest. The detainee was arrested on 18/12/2024 and he was detained under Act 14, on 23/01/2025 and as such, there was absolutely no explanation for the huge delay. Further, in the translated version of the remand extension order the year was wrongly mentioned and the detainee was furnished with wrong particulars and therefore, he could not able to submit effective representation to re-consider the order of detention.

5.Though the learned Additional Public Prosecutor submits that the detainee was served with the particulars and in so far as the remand



HCP(MD)No.884 of 2025

extension order is concerned, even though in the original remand extension order the year was rightly mentioned, however there was a mistake while translation and it would not cause any prejudice to the detenue, since the detenue knows very well about the remand extension from time to time. However, there is no explanation in passing the order of detention for about 34 days. That apart, the detention order was passed, on 22/01/2025. On the sole ground, this Court is inclined to quash the impugned detention order.

6.In the result, the Habeas Corpus Petition is **allowed** and the order of detention in C.No.04/Detention/C.P.O/TC/2025, dated 22/01/2025 passed by the second respondent is set aside. The detenue viz., Mohamed Selarsha, S/o.Abdullahsha, aged about 21 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.)
03-12-2025

Index:Yes/No
Internet:Yes/No
er



WEB COPY



HCP(MD)No.884 of 2025

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

er

To,

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

HCP(MD) No.884 of 2025

03/12/2025