



H.C.P(MD)No.929 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2025

CORAM:

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

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M.Kowsalya

..Petitioner/ mother of the detenu

Vs.

1. The State of Tamil Nadu
Rep. by The Additional Chief Secretary to Government
Government of Tamilnadu
Home Prohibition and Excise Department
Chennai - 9.

2. The District Collector cum District Magistrate
Office of Collectorate
Karur District.
Karur.

3. The Superintendent
Central Prison
Trichy

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Habeas Corpus, to call for records pertaining to the

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proceedings of the 2nd respondent made in his proceedings in CrI.M.P.No.13/2025 dated 28.03.2025 and quash the same and set the petitioner's son by name Vignesh, S/o.Marutha Muthu, aged about 19 years, at liberty from third respondent.

For Petitioner : Mr.N.Balaji

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., Vignesh, S/o.Marutha Muthu, aged about 19 years. The detenu was detained by the second respondent by order in CrI.M.P.No.13/2025 dated 28.03.2025, 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.



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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 for the petitioner raised grounds that the petitioner was arrested in pursuance to the registration of FIR in Crime No.9 of 2025 for the offence under Sections 118(1), 351(3) of BNS, 2023 and Sections 5(1), 5(m), 5(n), 11(3), 6 and 12 of POCSO Act, 2012 on 05.03.2025. Thereafter, the detenu was detained by the detention order dated 28.03.2025. There was a delay of 25 days and there is no explanation by the detaining authority. He further submits that the booklet page Nos.1 to 3, 8, 9, 23, 27, 33, 34, 35, 38, 39, 46 to 48 and 51 to 69 and 76 are illegible and could not be readable. Therefore, the detenu could not able to submit an effective representation to reconsider the order of detention. He further submits that there was a delay in lodgement of complaint, the alleged occurrence took place on 10.01.2025, but the complaint was lodged only on 05.03.2025.



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4. The learned counsel also produced the attendance register where the detenu was working as Lab Assistant. Accordingly, the detenu was attended his Lab Assistant duty on 10.01.2025.

5. On perusal of records along with counter affidavit and also the submission made by the learned Additional Public Prosecutor revealed that the detenu was arrested and remanded to judicial custody on 05.03.2025 and immediately within a period of 23 days, the order of detention was passed and therefore, absolutely there is no delay in passing the detention order.

6. It is a case of sexual offence that too under POCSO Act. The victim girl is only aged about 7 years at the time of occurrence. Though the learned counsel for the petitioner submits so many defence, on perusal of the deposition of the prosecution witnesses, there is no cross examination to that effect. Further on perusal of the booklet served to the detenu, the page numbers which have mentioned by the petitioner are legible and readable. Therefore, no prejudice caused to the detenu to



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submit an effective representation to reconsider the order of detention.

Therefore, the petitioner fails to make out any ground to interfere with the order of detention.

7. Insofar as delay is concerned, since the minor girl was subjected with sexual assault by the detenu, therefore it cannot be expected that the complaint will be lodged immediately. Therefore, the delay is not at all a matter in the sexual offence. Therefore, absolutely no prejudice caused to the detenu and there is no question of non-application of mind. Therefore, this Court finds no infirmity or illegality in the order passed by the second respondent.

8. In the result, the Habeus Corpus Petition stands dismissed.

[G.K.I.J.,] & [R.P.J.,]
10.12.2025

NCC :Yes/No
Index :Yes/No
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Madurai Bench of Madras High Court,
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