



HCP(MD)No.932 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 03/12/2025

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

HCP(MD)No.932 of 2025

S.Jayalakshmi : Petitioner/Mother of the detenu

Vs.

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-9.
- 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Thanjavur District.
- 3.The Superintendent of Prison,
Tiruchirappalli Central Prison,
Tiruchirappalli District.
- 4.The State of Tamil Nadu,
Rep. By its Inspector of Police,
Thanjavur Town South Police Station,
Thanjavur.

: Respondents

Prayer:- This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, to call for the entire records connected with the detention order passed by the 2nd respondent in P.D No.18/2025, dated 31/03/2025 and quash the same and direct the respondents to produce the



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body or person of the detenu by name Elambharathi, Son of Sivaraja, aged 25 years is detained as a 'Goonda' and lodged in Central Prison, Tiruchirappalli before this Court and set him at liberty forthwith and pass such further or other orders.

For Petitioner : Mr.K.Pragadeesh Kumar

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 detenu viz, Elambharathi, aged about 25 years. The detenu has been detained by the second respondent by his order in P.D No.18/2025, dated 31/03/2025 holding him to be a “Goonda” as contemplated under Section 2(f) 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 Pubic Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.



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3.The detenu was originally arrested on 04/03/2025 and remanded to judicial custody pursuant to the registration of the FIR in Crime No.56 of 2025 for the offences under Sections 126(2), 296(b), 118(1) and 351(3) of BNS r/w 25(1A) of Arms Act, 1959 altered into Sections 126(2), 296(b), 118(1), 351(3), 109 of BNS r/w 25(1A) of Arms Act, 1959 , on the file of the Thanjavur Town South Police Station. Thereafter, the Inspector of Police, who is the Sponsoring Authority sponsored the name of the detenu to detain him under Act 14 branded him as 'Goonda'. On receipt of the information collected from the Sponsoring Authority, the Detaining Authority detained the detenu under Act 14.

4.The learned counsel for the petitioner submits that some of the pages in the booklet are not legible and as such the detenu could not able to submit effective representation to reconsider the order of detention. He further submits that the arrest intimation was served on the old age mother of the detenu and she could not understand that what was the information furnished to her. Further, the statement of the wife of the detenu was not recorded before passing the order of detention. In so far as the filing of the bail petition, it was only filed after the arrest of the detenu.



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5.Perusal of the booklet filed by the respondents before this Court,

the pages in which the the petitioner raised the grounds can be easily readable and very much legible. The mother of the detenu was duly informed about the arrest of the detenu. Therefore, the procedures were duly followed by the Investigating Officer. It is new to hear that the statement of the person, who filed bail petition on behalf of the detenu to be recorded before passing the order of detention. In fact, bail petition was filed in pursuant to the arrest of the detenu and the same was dismissed on 26/03/2025 itself, i.e., well before the order of detention. Therefore, no statement to be recorded from the person, who filed the bail petition or who intended to file the bail before passing the order of detention. Therefore, there is absolutely no ground to interfere with the order of the dentition passed by the second respondent.

6.In the result, this Habeas Corpus Petition is **dismissed**.

(G.K.I., J.) (R.P., J.)
03-12-2025

Index:Yes/No
Internet:Yes/No
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G.K.ILANTHIRAIYAN,J
and
R.POORNIMA,J

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To,

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- 2.The District Collector and District Magistrate,
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- 4.The Inspector of Police,
Thanjavur Town South Police Station,
Thanjavur.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai..

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