

H.C.P.(MD)No.1117 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P.(MD)No.1117 of 2024

B.Bhavani

... Petitioner / Wife of the Detenue

Vs.

1.State of Tamil Nadu

**Rep. by its Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.**

**2.The District Magistrate and District Collector,
Dindigul District.**

**3.The Superintendent,
Central Prison,
Madurai.**

**4.The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.**

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to call for the records connected with the detention order of the second respondent in Detention Order No.47 of 2024, dated 26.05.2024 and to quash the same and direct the respondents herein to produce the same and direct the respondents herein to produce the body or person of the detainee Balubharathi son of Subramani, aged about 46 years who has been termed as “Sexual Offender” and now confined in Central Prison, Madurai and set aside the same and set the detainee at liberty.

For Petitioner : Mr.S.Sarvagan Prabhu

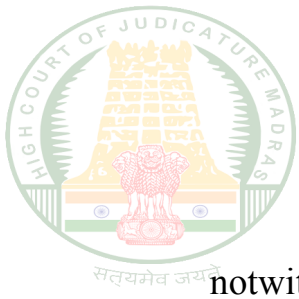
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor.

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2. The petitioner's husband was detained as sexual offender vide order dated 26.05.2024 passed by the second respondent herein. It is relevant to note that the ground case ended in acquittal. It is well settled that the validity of the detention order has to go independently



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notwithstanding the acquittal in the ground case. It is seen that the representation was submitted on 05.06.2024 for revoking the detention order.

3. The Under Secretary dealt with the file on 24.06.2024. However, the Deputy Secretary dealt with the file on 28.06.2024. We notice that there is an unexplained delay of three days in considering the representation.

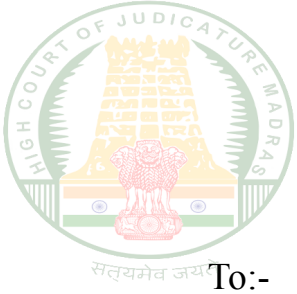
4. In this view of the matter, we hold that the detenu's continued detention is illegal. He shall be set at liberty forthwith unless his detention is otherwise warranted by law.

5. This Habeas Corpus Petition is allowed accordingly.

(G.R.S. J.,) & (R.P. J.,)
06.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Note: Issue Order Copy on 07.01.2025.



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To:-

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- 1.The Additional Chief Secretary to Government,
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Chennai-600 009.
- 2.The District Magistrate and District Collector,
Dindigul District.
- 3.The Superintendent,
Central Prison,
Madurai.
- 4.The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

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