



HCP(MD)No.947 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated: 12/12/2025

CORAM

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

HCP(MD)No.947 of 2025

Suresh

: Petitioner/Detenu

Vs.

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai-600 009.
- 2.The District Collector and District Magistrate/Detaining Authority,
Office of the District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.
- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli.

: Respondents

Prayer:- This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, calling for the records connected with the detention order passed by the respondent No.2 vide his order in No.H.S(MD).Confdl. No.26/2025, dated 13/03/2025 and quash the same, consequently directing the respondents to produce the detenu by name



HCP(MD)No.947 of 2025

Suresh, Son of Easaiah, aged 47 years, and now detained at Central Prison, Palayamkottai before this Court and set him at liberty and pass such further or other orders.

For Petitioner : Mr.S.Malaikani
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 detenu and has been detained by the second respondent by proceedings in H.S(M)Confdl.No.26/2025, dated 13/03/2025 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.

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.947 of 2025

3.The detenu was arrested on 12/02/2025 and remanded to judicial custody in pursuant to the registration of the FIR in Crime No.5 of 2025 on the file of the Kadambur All Women Police Station for the offences punishable under Sections 7, 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 351(2) of BNS 2023. Thereafter, the Investigating Officer recommended the detenu/accused for detaining him under Act 14 of 1982 and accordingly, the Detaining Authority detained the detenu under Act 14 of 1982, by the impugned order, dated 13/03/2025.

4.The learned counsel for the petitioner raised grounds that the representation submitted by the detenu on 27/06/2025 was not considered in time and therefore, it caused prejudice to the detenu and the detenu even did not file any application for bail so far. Therefore, there was no satisfactory reason on the part of the Detaining Authority to detain the detenu. The case was also foisted as against the detenu with false statement that too for the occurrence took place on 02/10/2024 and the complaint was lodged only on 11/02/2025. On the said complaint, FIR has been registered in Crime No.5 of 2025 for the offences punishable under Sections 7, 8 of the Protection of Children from Sexual



HCP(MD)No.947 of 2025

Offences Act, 2012 and Section 351(2) of BNS 2023 and the detenu was arrested and remanded to judicial custody, on 12/02/2025, but the detention order was passed on 13/03/2025 and there was unexplained delay and only one ground case was shown as against the detenu and there was no solitary instance as against the detenu. Further, there was previous motive to lodge a false complaint as against the detenu since the detenu's wife had dispute with a teacher. Therefore, a false complaint was foisted as against the detenu.

5. On perusal of the counter affidavit filed on behalf of the 2nd respondent and on the submissions made by the learned Additional Public Prosecutor reveals that originally, there was no unexplained delay to detain the detenu, by passing the detention order, on 13/03/2025. The detenu was arrested and remanded to judicial custody on 12/02/2025. After recording the statement from the victims, the Sponsoring Authority has to collect all the documents from the Court to sponsor the name of the detenu for detention. Therefore, there was no unexplained delay while passing the order of detention.



HCP(MD)No.947 of 2025

6. In so far as the criminal case is concerned, this Court cannot go into the merits of the case, since it is now pending for trial. In fact, before the trial Court, all the victims were examined as PW1 to PW6 and the detenu did not even cross examine the victims so far.

7. In view of the above, this Court finds no infirmity or illegality in the order of detention passed by the detaining authority. Accordingly, this habeas corpus petition is **dismissed**.

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

Index: Yes/No
Internet: Yes/No
er



WEB COPY



HCP(MD)No.947 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-9.
- 2.The District Collector and District Magistrate/Detaining Authority,
Office of the District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.
- 3.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

HCP(MD) No.947 of 2025

12/12/2025