



HCP(MD)No.1021 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

and

THE HONOURABLE MRS.JUSTICE N.MALA

HABEAS CORPUS PETITION(MD)No.1021 of 2025

Karuna

(Now confining at Madurai Central Prison)

... Petitioner

vs.

1. The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai- 600 009.
- 2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Theni District, Theni.
3. The Superintendent of Prison
Madurai Central Prison,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records, connected with the detention order of the Respondent No.2 in Detention Order No.14/2025 dated 12.04.2025 and quash the same and to direct the respondents to produce the body or person of the detenu by name Karuna, son of Santhosh, aged about 20



HCP(MD)No.1021 of 2025

years, now confining as Sexual Offender at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.M.Loganathan

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 detenu viz., Karuna, son of Santosh, aged about 20 years. The detenu has been detained by the second respondent by his order in Detention Order No.14/2025, dated 12.04.2025 holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) of 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.

3. The detenu was arrested on 02.03.2025 in Crime No.9 of 2025 registered for the offences under Sections 87,127(2), 70(1), 115(2), 351(2) of



HCP(MD)No.1021 of 2025

BNS and Section 4 of TNPHW Act. Thereafter, the sponsoring authority, who is the investigating agency of this crime, had sent a request to detain the petitioner under Act 14 of 1982.

4. The learned counsel appearing for the petitioner raised the following grounds challenging the order of detention:

a) arrest information was not property translated, wherein, one portion was written in English and another portion was written in tamil;

b) the petitioner was detained in pursuance of the registration of only one case and as such, there is only solitary instance to attract the detenu to detain under Act 14 of 1982;

c) Detention order dated 12.04.2025 referred to G.O.No.(D) 37, Home Prohibition and Excise (XVI) Department, dated 09.01.2025, wherein, under Sub-Section (2) of Section 3 of the said Act, the District Collector was delegated power to detain the detenu under Act 14 of 1982, however, the detenu was served with the copy of G.O.No.31, Home, Prohibition and Excise (XVI) Department, dated 09.01.2025, under which, power was delegated to the District Collector, Ramanathapuram pertaining to the other case, therefore, the detenu could not be able to submit his effective representation to reconsider the order of detention;



HCP(MD)No.1021 of 2025

d) He also submitted that there was a delay in passing the detention order since the detenu was arrested on 02.03.2025 and the detention order was passed only 12.04.2025.

5. The learned Additional Public Prosecutor filed counter and stated that though there was a solitary instance for the detenu, the detenu along with others have committed gang rape and thereby, he committed very serious and heinous offence as against the women and it would amount to crime against society, therefore, in order to detain the detenu under Act 14 of 1982 solitary instance is enough. Further, there was no delay in considering the representation submitted by the detenu to reconsider the order of detention.

6. Though this Court is satisfied with the submission of the learned Additional Public Prosecutor in so far as the delay in considering the representation submitted by the detenu, there is solitary instance for the detenu, the detaining authority referred to the power delegated to the detaining authority to pass the order of detention by way of G.O.No.(D) 37, Home Prohibition and Excise (XVI) Department dated 09.01.2025 under sub Section (2) of Section 3 of the said Act, however, the detenu was served with the copy of G.O.No.31, Home, Prohibition and Excise (XVI) Department, dated



HCP(MD)No.1021 of 2025

09.01.2025, which pertains to the District Collector, Ramanathapuram thereby, delegating power to the detaining authority to detain some other accused, which shows the complete non application of mind on the part of the detaining authority while serving the document which were relied on to pass detention order, therefore, the detenu could not be able to submit his representation effectively to reconsider the order of detention.

7. In this regard, the Principal Bench of this Court already held in HCP No.2212 of 2025, dated 24.11.2025 in the case of ***Vaishnavi .vs. The State of Tamil Nadu Rep. By its Principal Secretary Home, Prohibition and Excise Department Secretariat Complex Chennai – 600 009 and others*** , wherein it is held as follows:

3.Though several grounds have been raised in the petition, the learned counsel for the petitioner in the hearing submitted that the order of detention passed by the Detaining Authority is vitiated for material irregularities, as the copy of the Government order pertaining to Delegation of Powers was not given to the detenu, which prevented him from making an effective representation and therefore, the impugned detention order is liable to be set aside.

4. On a perusal of Booklet served on the detenu, it is seen that copy of the Government Order is not enclosed in the



booklet. Therefore, this Court is of the view that non-furnishing of copy of the vital document relied upon by the Detaining Authority to arrive at a subjective satisfaction, would deprive the detenu of his valuable right to make effective representation. Therefore, on this ground alone, the detention order passed by the Detaining Authority is vitiated.

5. In this context, it is useful to refer to the judgment of the Hon'ble Supreme Court in 'Powanammal Vs. State of Tamil Nadu' reported in '(1999) 2 SCC 413'. The Hon'ble Supreme Court, after discussing the safeguards embodied in Article 22[5] of the Constitution, observed that the detenu should be afforded an opportunity of making representation effectively against the Detention Order and that, the failure to supply every material in the language which can be understood by the detenu, is imperative. In the said context, the Hon'ble Supreme Court has held in Paragraphs 9 and 16 {as in SCC journal} as follows:

“9.However, this Court has maintained a distinction between a document which has been relied upon by the detaining authority in the grounds of detention and a document which finds a mere reference in the grounds of detention. Whereas the non-supply of a copy of the document relied upon in the grounds of detention has been held to be fatal to continued detention, the detenu need not show that any prejudice is caused to him. This is because the nonsupply of such a document



HCP(MD)No.1021 of 2025

would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making an effective representation against the order. But it would not be so where the document merely finds a reference in the order of detention or among the grounds thereof. In such a case, the detenu's complaint of non-supply of document has to be supported by prejudice caused to him in making an effective representation. What applies to a document would equally apply to furnishing a translated copy of the document in the language known to and understood by the detenu, should the document be in a different language.

16. For the above reasons, in our view, the non-supply of the Tamil version of the English document, on the facts and in the circumstances, renders her continued detention illegal. We, therefore, direct that the detenue be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed."

6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

8. The above case is squarely applicable to the present case and on this sole ground alone, the order of detention cannot be sustained and it is liable to be quashed.



HCP(MD)No.1021 of 2025

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9. The accused was arrested on one date and after a period of some time, the order of detention was passed. The delay for the same are, sponsoring authority have to collect materials and thereafter, recommend to detain the accused under Act 14 of 1982. After registration of the First Information Report, the victim girl has to be subjected for medical examination. Further, after recording statement from all the witnesses including the victim under Section 183 of BNSS and they have to collect medical report. Therefore, the delay in passing order of detention in the sexual offences case can be considered for the reason that materials have to be furnished to the detaining authority while making the request for detaining under Act 14 of 1982.

10. In view of the aforesaid reason, the detention order passed by second respondent dated 12.04.2025 in Detention Order No.14 of 2025 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Karuna, aged about 20, S/o.Santosh, is directed to be set at liberty forthwith unless he is required in connection with any other case.



HCP(MD)No.1021 of 2025

11. It is made clear that this Court cautiously does not want to go into the facts of the case and nature of crime committed by the detenu. Though this Court quash the order of detention it does not mean that the trial Court have to grant bail to the detenu. Further, the trial Court is directed to consider the bail application, if any, filed by the detenu on its own merits in accordance with law without being influenced by any of the observations made in this order by this Court.

[G.K.I., J.] [N.M., J.]
11.12.2025

Index : Yes / No
Neutral Citation : Yes / No
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To:

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai- 600 009.
2. The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Theni District, Theni.
3. The Superintendent of Prison
Madurai Central Prison,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN, J.

AND

N.MALA, J.

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