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H.C.P. (MD) No.1383



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 29.08.2025

DELIVERED ON : 28.11.2025

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

AND

THE HON'BLE MS. JUSTICE R. POORNIMA

H.C.P. (MD) No.1383 of 2024

Sekar

Petitioner

vs.

1. The Additional Chief Secretary to Government
State of Tamil Nadu
Home, Prohibition and Excise Department
Fort St. George
Chennai 600 009
2. The District Collector and District Magistrate
Office of the District Collector and District Magistrate
Trichy
3. The Superintendent of Prison
Trichy Central Prison
Trichy District

Respondents

Petition filed under Article 226 of the Constitution of India seeking a writ of habeas corpus calling for the entire records connected with the detention order of the second respondent in Cr.M.P. No.14 of 2024 dated 03.09.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Balachandran, son of Sellan, aged



about 64 years, now detained as Goonda at the Trichy Central Prison before this Court and set him at liberty.

For petitioner Dr. R. Alagumani

For respondents Mr. Hasan Mohamed Jinnah
State Public Prosecutor
assisted by
Mr. A. Thiruvadikumar
Additional Public Prosecutor
and
Mr. B. Nambiselvam
Additional Public Prosecutor

ORDER

A.D. JAGADISH CHANDIRA, J.

This habeas corpus petition calls in question the legality and validity of the order dated 03.09.2024 passed by the second respondent (for short "the impugned order") in and by which the petitioner's father Balachandran (hereinafter referred to as "the detenu") has been branded as a Goonda and ordered to be detained at the Central Prison, Tiruchirappalli, as contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982.

2. The brief facts of the case as culled out from the grounds of detention which are just necessary for deciding this habeas corpus petition are as under:



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2.1. On a complaint dated 08.07.2024 given by one Sakthivel stating that the detenu had murdered his mother at 6.30 a.m. on the said day, an FIR was registered against the detenu in Musiri P.S. Cr.No.182 of 2024 for the offences under Sections 296(b) and 103(1) of the BNS, 2023. On the same day, on a complaint given by one Kalarani stating that the detenu had murdered her husband Ramesh, an FIR was registered against the detenu in Jambunathapuram P.S.Cr.No.103 of 2024 for the offences under Sections 296(b) and 103(1) of the BNS, 2023 and the detenu was remanded to judicial custody by the Judicial Magistrate, Musiri till 22.07.2024 which was extended from time to time.

2.2. Satisfied with the adverse case and ground case, the second respondent clamped the impugned order on the detenu *inter alia* on the ground that taking recourse to ordinary criminal law will not have the desired effect of effectively preventing him from indulging in such activities and holding so, branded him as a Goonda.



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2.3. Thereagainst, the present habeas corpus petition has been filed.

3. At the threshold, it is worth pointing out that one of us (A.D.J.C.,J.), as a Single Bench, while dismissing CrI.O.P. No.31592 of 2024 (Ambeth @ Ambethkar vs. State) seeking bail, *vide* order dated 30.01.2025, finding that the petitioner therein was a history sheeter having 33 cases registered against him, deprecated the inordinate delay on the part of the police in proceeding with investigation, complying with non bailable warrants, filing of charge sheets and completing trial.

4. The aforesaid order in CrI.O.P.No.31592 of 2024 was adverted to by this Bench in **Sabarikanthan vs. State and 2 others (H.C.P. No.1331 of 2024)** while allowing the said case *vide* order dated 07.07.2025. In the order dated 07.07.2025, this Bench deprecated the practice of the police in taking recourse to the extraordinary measure of law of preventive detention *qua* habitual offenders in heinous cases, instead of resorting to filing of applications seeking cancellation of their bail.

5. Be that as it may, it is reported by the learned Additional Public Prosecutor that in Musiri P.S.Cr. No.182 of 2024, final report was not filed



within 90 days and it was filed only on 22.11.2024 and the case is pending as S.C.No.58 of 2025 on the file of the Principal District Court, Trichy. Owing to non filing of final report in Musiri P.S. Cr.No.182 of 2024 within 90 days, it is common knowledge that the detenu would have come out on statutory bail.

6. When this Court posed a pointed question to the learned Additional Public Prosecutor as to why the normal criminal law was not taken recourse to by filing charge sheets in time against the detenu who is an habitual offender in heinous offences, thereby, not enabling the detenu coming out on statutory bail and instead, why the impugned order was passed invoking Tamil Nadu Act 14 of 1982, it was submitted by him that when an FIR is registered against an accused in a particular district for the offence of a murder and he is enlarged on bail and he commits another murder while on bail in some other district and gets an FIR registered against him, the Inspector of the latter police station is oblivious of the registration of FIR by the former police station against the same accused.

7. The above reasoning does not cut ice with this Court, for, one of us (A.D.J.C., J.), while dealing with a contempt petition in Cont. P. No.2864 of 2024 (**J. Manohar Dass vs. Komathi and 13 others**), *vide* a detailed



order dated 30.04.2025, drove home the need to complete the Crime and Criminal Tracking Network and Systems (CCTNS) project 2.0 within four months. It is pertinent to point out at this juncture that the CCTNS platform has been put in use in several States pan India and one of its main objectives which is applicable to the case in hand is to facilitate interaction and sharing of information among police stations, districts, State/UT headquarters and other police agencies. To be noted, Cont. P. No.2864 of 2024 is still under consideration and it is learnt that the State has filed an application seeking extension of time to comply with the order dated 30.04.2025 which is yet to be taken up for hearing.

8. Coming back to the facts of the case, it is noteworthy that Sakthivel, the complainant in Musiri P.S.Cr.No.182 of 2024, in his Section 161 Cr.P.C. statement, had categorically stated that the detenu had served out the sentence for conviction in a case of double murder. It is reported that the detenu was released prematurely on 01.11.2018 in the said double murder case. Such being the factual scenario, it is beyond the ken of this Court as to why the police have conveniently taken recourse to clamping the impugned order on the detenu under the Tamil Nadu Act 14 of 1982, instead of taking the ordinary criminal law route by filing charge sheets in time and strictly opposing bail petition citing the earlier conviction in a double murder



case, thereby ensuring that the detenu does not come out from prison and involve in habitual offences of heinous nature.

9. Likewise, we also come across cases where the police resort to clamping detention orders on the accused rather than taking recourse to filing petitions cancelling the bail granted to habitual offenders involved in heinous cases. In the considered opinion of this Court, clamping detention orders on detenus is not an effective remedy to prevent occurrence of crimes, for, after the expiry of the detention period, *viz.*, one year, which is only *ad hoc* in nature, the detenus walk out freely and repeat commission of offences, whereas, alternatively, if the prosecution files petitions seeking cancellation of bail in previous cases, files charge sheets in time and gets conviction for the accused, the sentence period being relatively longer than the detention period under Act 14 of 1982, depending upon the nature of offence, the possibility of offences being committed habitually can be curtailed to a great extent.

10. At this juncture, it is apropos to note that the Supreme Court, in a plethora of judgments, has frowned upon the practice of the States in resorting to extraordinary measure of law of preventive detention in order to circumvent ordinary criminal law route.



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10.1. To cite a few, in **Vijay Narain Singh vs. State of Bihar (1984) 3 SCC 14**, the Supreme Court held as under:

“32. It is well settled that the law of preventive detention is a hard law and therefore it should be strictly construed. Care should be taken that the liberty of a person is not jeopardised unless his case falls squarely within the four corners of the relevant law. The law of preventive detention should not be used merely to clip the wings of an accused who is involved in a criminal prosecution. It is not intended for the purpose of keeping a man under detention when under ordinary criminal law it may not be possible to resist the issue of orders of bail, unless the material available is such as would satisfy the requirements of the legal provisions authorising such detention. When a person is enlarged on bail by a competent criminal court, great caution should be exercised in scrutinising the validity of an order of preventive detention which is based on the very same charge which is to be tried by the criminal court.” (emphasis supplied by us)

10.2. In **Mallada K Sri Ram vs. State of Telangana 2022 SCC OnLine SC 424**, the Supreme Court held as under:

“18. It is also relevant to note, that in the last five years, this Court has quashed over five detention orders under the Telangana Act of 1986 for inter alia incorrectly applying the standard for maintenance of public order [*V. Shantha v. State of Telangana*, (2017) 14 SCC 577 : (2018) 1 SCC (Cri) 150; *Banka Sneha Sheela v. State of Telangana*, (2021) 9 SCC 415 : (2021) 3 SCC (Cri) 446] and relying on stale materials while passing the orders of detention [*Sama Aruna v. State of Telangana*, (2018) 12 SCC 150 : (2018) 3 SCC (Cri) 441; *Khaja Bilal Ahmed v. State of Telangana*, (2020) 13 SCC 632 : (2020) 4 SCC (Cri) 629] . At least ten detention orders under the Telangana Act of 1986 have been set aside by the High Court of Telangana in the last one year itself.



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These numbers evince a callous exercise of the exceptional power of preventive detention by the detaining authorities and the respondent State. We direct the respondents to take stock of challenges to detention orders pending before the Advisory Board, the High Court and the Supreme Court and evaluate the fairness of the detention order against lawful standards.” (emphasis supplied by us)

10.3. In **Ameena Begum vs. the State of Telangana and others (2023) 9 SCC 587**), the Supreme Court, while expressing its anguish over the State taking recourse to preventive law detention circumventing ordinary criminal law route, held as under:

“66. It requires no serious debate that preventive detention, conceived as an extraordinary measure by the Framers of our Constitution, has been rendered ordinary with its reckless invocation over the years as if it were available for use even in the ordinary course of proceedings. To unchain the shackles of preventive detention, it is important that the safeguards enshrined in our Constitution, particularly under the “golden triangle” formed by Articles 14, 19 and 21, are diligently enforced.” (emphasis supplied by us)

11. That apart, pursuant to the order dated 04.11.2025 passed by this Court seeking (1) the number of cases not recommended by the Advisory Board in the last three years, (2) number of detention orders set aside by the High Court in the last three years and number of detention orders upheld by the High Court in the last three years and (3) number of cases booked invoking Act 14 of 1982 in the last three years and their



categories, a status report has been filed by the first respondent and a scanned reproduction of the same is as under:

4. It is submitted that in compliance of the order passed by the Hon'ble Court the following particulars are submitted:-

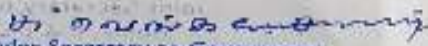
i) Total no. of Detention Orders passed for the preceding three years:

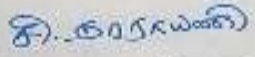
S.No.	Year	No. of Detention Orders passed
1	2022	4,288
2	2023	3,677
3	2024	4,554
Grand Total		12,519

ii) Number of cases revoked by the Advisory Board, Number of cases where Detention Order have been quashed by the Court and Number of cases wherein the Detention Order was sustained.

S.No.	Year	No. of Detentions Revoked by Advisory Board	No. of Detentions Quashed by Hon'ble High Court in H.C.P	No. of cases Wherein the Detention Order was sustained
1	2022	1,171	2,606	511
2	2023	1,088	2,309	269
3	2024	1,715	2,493	356
Grand Total		3,974	7,408	1,136

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Under Secretary to Government
Home, Prohibition and Excise Dept.
Secretariat, Chennai-600 009


Joint Secretary to Government
Home, P & E Department,
Secretariat, Chennai - 600 009.



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iii) Particulars of Detention Orders passed category-wise viz., Goondas, Sexual Offenders, Drug Offenders etc.,

S.No.	Category	2022	2023	2024	Total
1	Bootleggers	272	304	302	878
2	Drug Offenders	640	490	885	2,015
3	Goondas	3,075	2,649	3,046	8,771
4	Cyber Law Offenders	8	13	31	50
5	Forest Offenders	0	0	0	0
6	Immoral Traffic Offenders	16	37	41	94
7	Sand Offenders	17	5	21	43
8	Sexual Offenders	261	179	238	678
9	Slum Offenders	0	0	0	0
10	Video Pirates	0	0	0	0
Total		4,288	3,677	4,564	12,529

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சி. சுவாமிநாதன்
Under Secretary to Government
Home, Prohibition and Excise Dept.
Secretariat, Chennai-600 009

சி. குருமணி
Joint Secretary to Government
Home, P & E Department.
Secretariat, Chennai - 600 009.

12. From a plain analysis of the statistics given in the status report, it is as clear as daylight that only 11.91%, 7.30% and 7.80% of the detention orders invoking Tamil Nadu Act 14 of 1982 have been upheld by the High Court and the remaining percentage of detention orders has either



been revoked by the Advisory Board or quashed by the High Court. Needless to say, the percentage of detention orders upheld/confirmed by the High Court is very minuscule. It is also worth mentioning that out of 12,529 detention orders passed during the years 2022-2024, 70% of the detention orders has been passed branding the detenus as Goondas, as in the case on hand.

13. During the course of hearing this habeas corpus petition on 05.08.2025, since this Court posed a question to the respondents as to why action has not been taken for cancelling the bail granted to the detenu, learned counsel for the petitioner, in order that this Court does not pass orders on merits, sought permission of this Court to withdraw this petition and also made an endorsement in the case bundle to that effect.

14. However, given the facts of the case, owing to the necessity that a detailed order needs to be passed highlighting that the State should take recourse only to normal criminal law and should not circumvent that route by resorting to clamping detention orders under Tamil Nadu Act 14 of 1982, this Court did not permit the learned counsel for the petitioner to withdraw this habeas corpus petition. Meanwhile, on 03.09.2025, the validity of the



impugned order *i.e.*, the period of one year, got elapsed. In view of the same, this habeas corpus petition has become infructuous.

15. However, it is felicitous to point out that this Court has come across several instances where the police have taken recourse to clamping detention orders by failing to proceed with the investigations and file charge sheets in time to take the prosecutions to their logical end so as to ensure that the accused are made to face trial. Owing to the failure of the police in filing charge sheets in time in several cases, the accused get statutory bail and this exposes only the lackadaisical attitude on the part of the police.

16. *Ergo*, it is directed that the Director General of Police shall form a Committee of appropriate strength in each district, headed by an officer not below the rank of Deputy Superintendent of Police, to ensure that in the cases of habitual offenders involved in heinous offences pan State, charge sheets are filed in time so that the habitual offenders are not released on statutory bail, thereby preventing them from committing offences again and again. The Committees to be constituted so, shall also ensure that the police file applications seeking cancellation of bail citing the previous case(s) of heinous offences by the accused. By doing so, circumventing the ordinary criminal law route and consequential invocation of the provisions of Tamil



Nadu Act 14 of 1982, can be avoided. To be noted, resorting to extraordinary measure of law of preventive detention very often is not appropriate, as has been held in the catena of authoritative pronouncements adverted to above.

17. For carrying out the latter exercise alluded to in the preceding paragraph, it is imperative that the police maintain previous criminal history of the accused, including the provisions of law involved, the place where the offences were committed and whether bail was applied for and granted or rejected and these particulars should be furnished by the Investigating Officer to the Public Prosecutor while responding to bail applications.

18. In the result, this habeas corpus petition is closed as having become infructuous, however, with the aforesaid directions.

(A.D.J.C., J.) (R.P., J.)
28.11.2025

cad
Neutral Citation:Yes



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A.D. JAGADISH CHANDIRA, J.

and

R. POORNIMA, J.

cad

To

1. The Additional Chief Secretary to Government
Government of Tamil Nadu
Home, Prohibition and Excise Department
Fort St. George
Chennai 600 009
2. The District Collector and District Magistrate
Office of the District Collector and District Magistrate
Trichy
3. The Director General of Police
(Police Headquarters)
No.1, Kamarajar Salai
Mylapore
Chennai 600 004
4. The Superintendent of Prison
Trichy Central Prison

Trichy District

Pre-delivery order in
H.C.P. (MD) No.1383 of 2024



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28.11.2025