



HCP(MD)No.1097 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.1097 of 2025

Nagarajan : Petitioner/Father of the detenue

Vs.

1. Government of Tamil Nadu,
Rep. By its the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-600 009.

2. The Commissioner of Police,
Office of the Commissioner of Police,
Tiruchirappalli City.

3. The Superintendent,
Central Prison,
Thiruchirappalli.

: Respondents

Prayer:- This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, to call for the entire records connected Detention Order C.No.06/detention/C.P.O./TC/2025 on 23/01/2025 and quash the same and direct the respondents to produce the body or person of petitioner's son Raguram, Male aged about 21/2024, son of Nagarajan and detained at Central Prison, Tiruchirappalli and set him at liberty forthwith and pass such further or other orders.



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For Petitioner : Mr.S.Ramakrishnan
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 father of the detenue viz, Raguram, aged about 22 years. The detenue has been detained by the second respondent by his order in C.No.06/detention/C.P.O/TC/2025, dated 23/01/2025 holding him to be a “DRUG OFFENDER” as contemplated under Section 2(e) 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.

3.The detenue was arrested on 19/12/2024 and remanded to judicial custody in Crime No.667 of 2024 on the file of the Palakkarai



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Police Station for the offence under Section 123 of BNS, 2023 r/w 18(c) of Drugs and Cosmetics Act, 1940. Since the detainee was involved in several case, the Sponsoring Authority sponsored the detainee under Act 14, for Drug Offender. After verifying the records furnished by the Sponsoring Authority, the Detaining Authority detained the detainee under Act 14, by order, dated 23/01/2025.

4.The learned counsel for the petitioner submits that there was huge delay in passing the order of detention from the date of his arrest. The detainee was arrested on 19/12/2024 and he was detained under Act 14, on 23/01/2025 and as such, there was absolutely no explanation for the huge delay. Further, in the translated version of the remand extension order the year was wrongly mentioned and the detainee was furnished with wrong particulars and therefore, he could not able to submit effective representation to re-consider the order of detention.

5.Though the learned Additional Public Prosecutor submits that the detainee was served with the particulars and in so far as the remand extension order is concerned, even though in the original remand extension order the year was rightly mentioned, however there was a



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mistake while translation and it would not cause any prejudice to the detenu, since the detenu knows very well about the remand extension from time to time. However, there is no explanation in passing the order of detention for about 34 days. That apart, the detention order was passed, on 23/01/2025. On the sole ground, this Court is inclined to quash the impugned detention order.

6.In the result, the Habeas Corpus Petition is **allowed** and the order of detention in C.No.06/detention/C.P.O/TC/2025, dated 23/01/2025 passed by the second respondent is set aside. The detenu viz., Raguram S/o.Nagarajan, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(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,

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai-600 009.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Tiruchirappalli City.
- 3.The Superintendent,
Central Prison,
Thiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai..

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