



H.C.P.(MD)No.1499 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD)No.1499 of 2024

J.Karuppayi

... Petitioner

-VS-

1. State through Tamilnadu, Rep by
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
O/o. the District Collector and District Magistrate,
Theni District.
3. The Superintendent of Prison,
Central Prison,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the records pertaining to the detention order passed by the 2nd respondent in Detention Order No.57 of 2024 dated 23.09.2024 and set aside the same



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as illegal and direct the respondents to produce the body or person of the petitioner's brother namely Ayyappan, S/o.Rasu, Male aged about 40 years, who is detained in Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.S.Shanmugam

For Respondents : Mr.A.Thiruvadikumar,
Addl. Public Prosecutor

ORDER

(Order of the Court was made by ***C.V.Karthikeyan, J.***)

When the matter is taken up for hearing, it is stated that the period of detention was over on 23.09.2025.

2. In view of the above, the Habeas Corpus Petition is dismissed as having become infructuous.

3. We are constrained to note that during trial in Special S.C.No.8 of 2025 before the Special Court for POCSO cases at Theni, relating to the offences involved in this case, the learned trial Judge had



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examined in chief L.W.1, 2 and 3, who are the victim child and near relatives. But all the three witnesses had not been cross examined and further witnesses have been examined in chief viz., L.W.4 to L.W.6. The accused had been granted bail by the trial Court. This would evidently mean that the Special Judge was aware that once the detention order is over on 23.09.2025, the accused would be free on executing sureties and would be in a position to threaten the victim, as she had not yet been cross examined.

4. The learned Presiding Officer, Special Court for POCSO cases, Theni to give necessary explanation as to how he permitted cross examination of the victim child to be deferred and under what provision he had granted such permission. The learned Presiding Officer may also indicate the steps the Court intends to take to protect the victim child on intimidation of threat from the accused, whose period of detention has also expired on 23.09.2025 and also had obtained bail and also executed sureties. Explanation to be forwarded to this Court by 10.10.2025.



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regard.



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5. The Registry to issue necessary Communication in this

6. Call on 10.10.2025.

[C.V.K., J.]

[R.V., J.]

vsm

Index: Yes/No

Internet: Yes/No

24.09.2025

Note:Registry is directed to mark a copy of this order to the Sessions Judge, Special Court for POCSO Act cases, Theni



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To

1. The Additional Chief Secretary to the Government,
The State of Tamilnadu, Rep by
Home, Prohibition and Excise (XVI) Department,
Fort St.George, Chennai - 600 009.
2. The District Collector and District Magistrate,
O/o. the District Collector and District Magistrate,
Theni District.
3. The Superintendent of Prison,
Central Prison, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
R.VIJAYAKUMAR, J.

vsm

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