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HCP.No.1386 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.1386 of 2025

Narasimman
S/o.Subburayan

... Petitioner

Vs.

1. The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat, Chennai – 600 090.
2. District Magistrate and Collector of
Kallakurichi District, Kallakurichi.
3. The Superintendent of Police,
Kallakurichi District, Kallakurichi.
4. The Superintendent of Prison,
Central Prison, Cuddalore.
5. The Inspector of Police,
Rishivandiyam Police Station,
Kallakurichi District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent dated 10.06.2025 in D.O.No. C2/18/2025 against the petitioner's brother Gajendran, male, aged 20 years S/o.Subburayan, who is confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner	: Mr.D.Balaji
For Respondents	: Mr.R.Muniyapparaj Additional Public Prosecutor assisted by Mr.M.Sylvester John

ORDER

(Order of the Court was made by P.VELMURUGAN, J.)

The petitioner, who is the brother of the detenu viz., Gajendran, S/o.Subburayan, male, aged 20 years, confined at Central Prison, Cuddalore, has come forward with this petition challenging the detention order passed by the second respondent dated 10.06.2025 bearing reference No. D.O.No.C2/18/2025, slapped on his brother (the detenu), branding him as "Sexual Offender" under the Tamil Nadu Prevention of



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Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds have been raised in this petition, the learned counsel for the petitioner mainly focused his arguments on the grounds that the language known to the detenu is Tamil, but the Arrest intimation, Certificate of Examination of Sexual Offences and bail application of the detenu relied on by the authorities were furnished to the detenu in English, which the detenu is not conversant with and the same has prevented the detenu from making an effective representation against the impugned order of detention. Hence the impugned order is liable to be set aside.

4. *Per contra*, the learned Additional Public Prosecutor appearing for the respondents-Police submitted that on 14.05.2025, the detenu, who



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was intoxicated with ganja, abducted the victim boy, aged about 8 years and carried him to a nearby sugarcane field and had committed sexual assault on the victim. Hence, based on the complaint lodged by the father of the victim, a case in Crime No. 117 of 2025 was registered against the detenu for the offences under Sections 96, 296(b), 351(3) of Bharatiya Nyaya Sanhita, 2023 and under Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012. He further submitted that after taking into consideration the serious nature of offence committed by the detenu and upon a careful perusal of connected materials and evidences, the detaining authority arrived at a subjective satisfaction and took a well-considered decision to detain the detenu under Section 2(ggg) of the Tamil Nadu Act 14 of 1982 as a “Sexual Offender” and passed the impugned order of detention and the same cannot be interfered with at the instance of the petitioner.

5. As regards the ground raised by the learned counsel for the petitioner, viz., the translated version of the arrest intimation was not supplied to the detenu, is concerned, it is seen from page No.21 of the booklet that the Arrest Intimation Form contains the requisite particulars in Tamil and therefore, no prejudice has been caused to the detenu.



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6. As regards the ground viz., the translated version of the bail application filed by the detenu was not supplied to the detenu, is concerned, the detenu himself filed the bail application and hence, there is no necessity to supply the translated version of such application.

7. As regards the ground relating to the non-supply of the translated version of the Certificate of Examination of Sexual Offence, it is to be noted that the detenu was personally examined by the Medical Officer for issuance of the said certificate and therefore, no prejudice is caused to the detenu on account of such non-furnishing.

8. Having regard to the grave and serious nature of the offence committed by the detenu, this Court is not inclined to quash the detention order. Further, this Court finds that no legally sustainable grounds have been made out to quash the order of detention and the grounds urged by the petitioner do not merit acceptance.

9. In view of the discussion made above, we are of the considered opinion that the sponsoring authority, after arriving at the subjective



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satisfaction that since further recourse to ordinary laws would not help in preventing such offences being committed by the detenu, has rightly sponsored the detenu before the Detaining Authority for detention under Act Tamil Nadu Act 14 of 1982. The Detaining Authority, on considering all the facts and circumstances of the case and applying his mind at each and every stage, has legally clamped the order of detention on the detenu, wherein we find no illegality or irregularity, warranting our interference. The Habeas Corpus Petition is dismissed accordingly.

[P.V.,J.] [M.J.R.,J.]

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Index: Yes/No
Neutral Citation
Speaking / Non Speaking
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6. The Public Prosecutor
High Court of Madras.



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