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H.C.P.No.1583 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.No. 1583 of 2025

KUMUTHA, Female aged 24 years,
W/o. Jeeva, No.535,
Muruan Koil Backside,
Seemaputhur,
Kunnagampoondi Village,
Chithirakavur Post,
Vandhavasi Taluk,
Thiruvannamalai District

.. Petitioner

VS

- 1.The Secretary to the Government,
Home Prohibition and Excise Dept.,
Secretariat, Chennai 600 009.
- 2.The District Collector and District Magistrate of Cuddalore District,
Cuddalore.
- 3.The Superintendent of Police,
Cuddalore District, Cuddalore.
- 4.The Superintendent of Prison,
Central Prison, Cuddalore.
- 5.The Inspector of Police,
Cuddalore New Town Police Station,
Cuddalore District.

...Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India praying to issue to writ of habeas corpus to call for records in connection with the order of detention passed by second respondent 23.07.2025 in C3/D.O./96/2025 against the petitioner's husband Jeeva, Male, aged 25 years, S/o. Venkatesan, 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
(Made by SUNDER MOHAN, J.)

The wife of the detenu has challenged the detention order dated 23.07.2025 passed against her husband who had been branded as Sexual Offender under section 2(ggg) of the Tamil Nadu Preventive Detention Act, 1982 (Tamil Nadu Act 14 of 1982) (in short 'Act').

2. The learned counsel for the petitioner would submit that the impugned order of detention has to be quashed on the ground that there is a delay between the date of arrest and the order of detention and hence



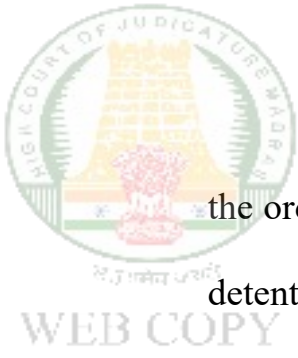
the live and proximate link between the grounds of detention and the purpose of detention stood snapped and submitted that the point is squarely covered by the judgment of the Supreme Court in ***Sushanta Kumar Banik Vs. State of Tripura***, reported in '**2022 LiveLaw (SC) 813**'.

3. Heard the learned Additional Public Prosecutor.

4. The Hon'ble Supreme Court in *Sushanta Kumar Banik (supra)*, has held as follows:-

“20. It is manifestly clear from a conspectus of the above decisions of this Court, that the underlying principle is that if there is unreasonable delay between the date of the order of detention & actual arrest of the detenu and in the same manner from the date of the proposal and passing of the order of detention, such delay unless satisfactorily explained throws a considerable doubt on the genuineness of the requisite subjective satisfaction of the detaining authority in passing the detention order and consequently render the detention order bad and invalid because the “live and proximate link” between the grounds of detention and the purpose of detention is snapped in arresting the detenu. A question whether the delay is unreasonable and stands unexplained depends on the facts and circumstances of each case.”

5. The above observations would squarely applicable to the facts of the present case as the detenu was arrested on 19.06.2025 and the detention order was passed on 23.07.2025. The delay has not been explained in any manner. Therefore, the live and proximate link between



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the order of detention and the purpose of detention stood snapped and the detention order is liable to be quashed.

6. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C3/D.O./96/2025, dated 23.07.2025 is hereby set aside.

7. The detenu, viz., Jeeva, S/o. Venkatesan, aged 25 years, who is now confined in Central Prison, Cuddalore, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

[A.S.M, J.] [S.M, J.]
13.03.2026

Index:Yes/No

Neutral Citation:Yes/No

ssm

Note to Registry : Issue Today

To

1.The Secretary to the Government,
Home Prohibition and Excise Dept.,
Secretariat, Chennai 600 009.

2.The District Collector and District Magistrate of Cuddalore District,
Cuddalore.

3.The Superintendent of Police,
Cuddalore District, Cuddalore.



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4. The Superintendent of Prison,
Central Prison, Cuddalore.

5. The Inspector of Police,
Cuddalore New Town Police Station,
Cuddalore District.

6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai

7. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN,J.

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