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H.C.P.No.2026 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2026

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2026 of 2025

D.Ellammal

... Petitioner

Vs.

1. The State rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Secretariat, Chennai – 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai.
4. State Rep. by
The Inspector of Police,
R-10 MGR Nagar Police Station,
Chennai.

....Respondents

Prayer: This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India to issue Writ of Habeas Corpus to call for the records of the second respondent, pertaining to the order made in No.400/BCDFGISSSV/2025 dated 23.06.2025 in detaining the detainee under the Tamilnadu Act 14/1982 as a Goonda and quash the same and direct the respondents to produce the detainee, petitioner's son namely Murali (Detenue) aged about 36 years Son of Deenadayalan, who is detained at the Central Prison Puzhal, Chennai, before this Court and set him at liberty.



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H.C.P.No.2.....

For Petitioner : Mr.P.Sridhar

For Respondents : Mr.R.Muniyapparaj, Addl. Public Prosecutor,
Assisted by Mr.M.Sylvester John

ORDER

The petitioner, who is the mother of the detenu viz. Murali, male, S/o Deenadayalan, aged about 36 years, has come forward with this petition challenging the detention order passed by the second respondent dated 23.06.2025 bearing No.400/BCDFGISSSV/2025 under Sub Section (1) of Section 3 of the Tamil Nadu Prevention of 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] r/w the order issued by the Government in G.O.(D) No.97, Home, Prohibition and Excise (XIV) Department, dated 11.04.2025 under Sub Section (2) of Section 3 of the said Act.

2 According to learned counsel for the petitioner, the AR copy has not been properly translated and in the statement recorded under Section 161 Cr.P.C from the defacto complainant, there is not date and signature. Further Form 91 also not legible



and hence the detenue could not make effective representation against the detention order. Hence the detention order is liable to be quashed.

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3 Learned Additional Public Prosecutor submitted that the second the ground case has been registered for the offence of robbery and there are three cases pending, out of which two are similar in nature and the other one is women harassment.

4 We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5 It is seen that the detention order was passed on 23.06.2025 and subsequently copies have been served to the detenue, in which, as pointed out by the learned counsel for the petitioner, Form 16 is not legible and there is no signature in the statement of defacto complainant recorded under Section 161 Cr.P.C. Further the copy of Accident Register was not properly translated, which are all obviously deprived the rights of the detenue from making effective representation and the same also caused serious prejudice to the detenue. Therefore we are inclined to set aside the detention order.



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Accordingly, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 23.06.2025 bearing No.400/BCDFGISSSV/2025 detaining the petitioner's son Murali, male, S/o Deenadayalan, aged about 36 years, who is confined at Central Prison, Puzhal, Chennai, is hereby set aside and the detenu Murali, male, S/o Deenadayalan, aged about 36 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[PVJ]

[MJRJ]

10.02.2026

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To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Secretariat, Chennai – 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai.
4. The Inspector of Police,
R-10 MGR Nagar Police Station, Chennai.
5. The Additional Public Prosecutor, Madras High Court.



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