



H.C.P.(MD)No.676 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.01.2026

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

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S.Thanga Mallika

... Petitioner

-VS-

1.State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secreatariat,
Chennai - 600 009.

2.The District Collector and District Magistrate
Tirunelveli District, Tirunelveli

3.The Superintendent
Central Prison, Palayamkottai
Tirunelveli District

4. The Inspector of Police
All Women Police Station
Cheranmahadevi
Tirunelveli District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order of the second respondent in Detention Order No.M.H.S.Confdl. No.56 of 2025 dated 17.05.2025 and to quash the same and direct the respondents to produce the body or person of the detenu S.Aravinth, son of Samiselvan aged about 27 years before this Court and set him at liberty now detained as "sexual offender" Central Prison, Palayamkottai, Tirunelveli District

For Petitioner : Mr.C.Saravana Kumar
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.K. ILANTHIRAIYAN,J.**)

The petitioner is the mother of the detenu viz., S.Aravinth, son of Samiselvan aged about 27 years. The detenu has been detained by the second respondent by his order in No. M.H.S.Confdl. No.56 of 2025 dated 17.05.2025 holding him to be a "sexual offender", as contemplated under Section 2(ggg) of Tamil



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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. Though several grounds have been raised in the habeas corpus petition, learned counsel appearing for the petitioner would mainly focus his arguments on the ground that the detainee was arrested and remanded to judicial custody on 24.04.2025 pursuant to the registration of the First Information Report in Crime No. 229 of 2025 for the offences under Section 87 of BNS and Section 4 r/w.3(a) of Protection of Child from Sexual Offences (POCSO) Act on the file of the fourth respondent, whereas in the grounds of detention the detaining authority has



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stated that he was arrested and remanded to judicial custody by the learned Judicial Magistrate No.V, Tirunelveli, whereas the detaining authority in the grounds of detention has stated that the detenu was arrested on 24.04.2025 and remanded to judicial custody by the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District, which is a clear non application of mind and as such the detenu could not able to make effective representation to re-consider the detention order. He further submitted that after completion of investigation in Crime No.229 of 2025, the fourth respondent filed final report and the same was taken on file in Spl. S.C. No.184 of 2025 on the file of the Special Court for POCSO Act Cases, Tirunelveli and now the trial has commenced and the victim girl and her mother had deposed as P.W.1 and P.W.2 and they have also turned hostile.

4. On perusal of the counter filed by the second respondent and consideration of the submission made by the



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learned Additional Public Prosecutor it is clear that the detenu was arrested on 24.04.2025 pursuant to the registration of the First Information Report in Crime No. 229 of 2025 for the offences under Sections 87 of BNS and Section 4 r/w.3(a) of Protection of Child from Sexual Offences (POCSO) Act on the file of the fourth respondent herein and remanded by the learned Judicial Magistrate No.V, Tirunelveli, but the detaining authority in the grounds of detention has stated that the detenu was arrested and remanded to judicial custody on 24.04.2025 by the learned Judicial Magistrate, Cheranmahadevei, Tirunelveli District, which shows the complete non application of mind of the detaining authority to pass detention order and on this sole ground alone the order of detention cannot be sustained and the same is liable to be quashed.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl. No.56 of 2025 dated



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17.05.2025, passed by the second respondent is set aside. The detenu, viz., S.Aravinth, son of Samiselvan aged about 27 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.]
06.01.2026

NCC :Yes/No
Index: Yes/No
Internet: Yes/No
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To

1. The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secreatariat,
Chennai - 600 009.
- 2.The District Collector and District Magistrate
Tirunelveli District, Tirunelveli
- 3.The Superintendent
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4. The Inspector of Police
All Women Police Station
Cheranmahadevi
Tirunelveli District

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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