



H.C.P.(MD)No.1417 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2026

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.1417 of 2025

Suseela

... Petitioner/
Wife of the Detenu

-VS-

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

2.The District Collector and District Magistrate,
Kanyakumari District,
Nagercoil.

3.The Superintendent of Prison,
District Jail Prison,
Nagercoil.

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

... 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 records relating to the Detention order passed by the second respondent in detention order in Detention Order P.D.No.27/2025 dated 11.08.2025 and quash the same as illegal and produce the detenu namely Desalingam, S/o.Raja, aged about 45 years (now detained at District Jail, Nagercoil) before this Court and set him at liberty.

For Petitioner : Mr.M.Pozhilan

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 wife of the detenu viz., Desalingam, S/o.Raja, aged about 45 years. The detenu has been detained by the second respondent by his order in P.D.No.27/2025, dated 11.08.2025 holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) of Tamil 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



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respondents. We have also perused the records produced by the Detaining Authority.

3. The learned counsel for the petitioner raised the grounds that the detainee was arrested and remanded to judicial custody on 19.07.2025 pursuant to the registration of FIR in Crime No.23/2025 under Section 351(2) of BNS and Sections 3(a), 4 5(j)(ii), 5(n), 6 of POCSO Act, 2012 alleging that the detainee committed a penetrated sexual assault to the minor victim girl, who is none other than his own elder brother's daughter. Thereafter, the detainee was detained as sexual offender under Act 14 by detention order dated 24.11.2025. There was a delay in detaining the detainee under Act 14. He further submitted that the Detaining Authority mentioned that the similarly placed accused was granted bail in Crime No.7/2025, dated 15.05.2025. However, the said accused was detained by the detention order dated 13.02.2025. He further submitted that the arrest intimation was not served to any relative to the detainee.

4. On perusal of the records and submissions made on either



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side, it was revealed that the detainee was arrested and remanded to judicial custody on 19.07.2025 pursuant to the registration of FIR in Crime No.7/2025. Immediately, on 24.11.2025, the detainee was detained as sexual offender under Act 14. There was absolutely no delay, since the Investigating Officer ought to have recorded the statement of victim and also collected the medical evidence. That apart, the arrest intimation was duly served to the petitioner herein immediately after the arrest of the detainee.

5. In view of the above, this Court finds no infirmity or illegality in the detention order and hence, this Habeas Corpus Petition is dismissed.

[G.K.I., J.]

[R.P., J.]

18.02.2026

apd

NCC :Yes/No

Index: Yes/No

Internet: Yes/No



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To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Chennai - 600 009.

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



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