

H.C.P(MD)No.593 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2025

CORAM:

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

H.C.P(MD)No.593 of 2025

C.Kayalvizhi.
D/o.Chinnaswamy,
No.838, South Street,
Gopal Nagar,
Thanjavur Taluk,
Marungulam,
Thanjavur District.

... Petitioner/Sister of the detenu

Vs.

1.The State of Tamil Nadu,
Represented by the Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.

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

3.The Superintendent,
Central Prison,
Tiruchirapalli.

... Respondents

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PRAYER:- Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents herein to produce the detenu Kannan S/o.Chinnaswamy, aged 38 years who has been termed as “Sexual Offender” who is now confined in Trichirapalli Central Prison, Trichy and call for records in P.D.No.19 of 2025 dated 17.04.2025 passed by the second respondent and set aside the same and set the detenu at liberty.

For Petitioner : Mr.G.Karuppsamay Pandiyan

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 sister of the detenu viz., Kannan, son of Chinnaswamy, aged about 38 years. The detenu was detained by the second respondent by order in P.D.No.19 of 2025 dated 17.04.2025, holding him to be a “Sexual Offender”, as contemplated under Section 2(ggg) of the Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



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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.The detenu was involved in a case registered in Crime No.11 of 2025 on the file of the Inspector of Police, All Women Police Station, Vallam, Tanjore District for the offences punishable under Sections 5(l), 5(m) read with 6(1) of Protection of Children from Sexual Offences Act, 2012 and Section 87 of BNS Act, 2023. The detenu was arrested and remanded to judicial custody on 12.03.2025. Thereafter, he was detained under Act 14 of 1982 on 17.04.2025.

4.The learned counsel appearing for the petitioner submits that the detenu was arrested on 12.03.2025 and he was detained under Act 14 of 1982 only on 17.04.2025, after a lapse of 35 days.

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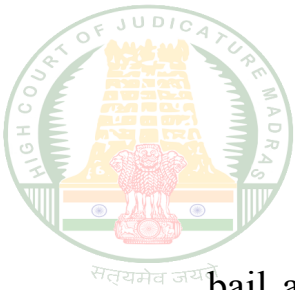
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Therefore, there is no proximate and live link in respect of the gap of 35 days to detain the detenu. Hence, it is an illegal detention and the order of detention cannot be sustained in law.

5.The learned counsel appearing for the petitioner further submits that the detaining authority relied upon a similar case in which the accused was granted bail in Crime No.3 of 2020 on the file of the Thiruvaiyaru All Women Police Station, Tanjore District for the offences punishable under Sections 4, 5(l), 5(j)(ii), 6 of Protection of Children from Sexual Offences Act, 2012 and 506(i) of IPC. The accused was granted bail on default grounds under Section 167(2) of Cr.P.C. Therefore, the said order cannot be relied upon to detain the detenu.

6.That apart, on the date of the detention order, the detenu had not filed any application for bail and no application was pending on the date. On only one occasion, the detenu filed an application for



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bail and the same was dismissed. Therefore, there was no absolute apprehension that the detenu would be released on bail. This clearly shows non-application of mind on the part of the detaining authority in passing the detention order.

7.The learned counsel appearing for the petitioner also submits that the accident register relied upon by the detaining authority is in Tamil. Though the detenu requested a translated copy of the accident register, he was not furnished with the same. Therefore, the order of detention cannot be sustained and is liable to be set aside.

8.On perusal of the counter-affidavit filed by the second respondent and also on the submissions made by the learned Additional Public Prosecutor, it is revealed that though the detenu was arrested and remanded to judicial custody on 12.03.2025 and the detention order was passed on 17.04.2025, the remand extension

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report was submitted before the Government for detaining the detenu under Act 14 of 1982 on 19.04.2025 and it was approved by the Government on 28.04.2025 and placed before the Advisory Board on 15.05.2025.

9.The learned Additional Public Prosecutor appearing for the respondents relied upon the Judgment of this Court in *H.C.P(MD)No.1389 of 2022, dated 11.04.2023 [Susamma Baby Vs. The Principal Secretary to Government and others]*, in which, the Division Bench held that in respect of delay in passing the detention order, neither the Constitution nor Act 14 of 1982 prescribes a specific time limit to invoke the detention order. Even after release on bail, a detention order can be passed. Further, the delay in passing the detention order from the date of arrest is not *ipso facto* a ground to quash the detention order when the explanation offered by the detaining authority is acceptable and the delay is reasonable. The above judgment is squarely applicable to the present case on hand,



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since the detaining authority has clearly explained the extension of remand and subsequently passed the detention order.

10.Insofar as the accident register is concerned, though the detaining authority furnished a copy of the accident register to the detenu, it was not relied upon for passing the detention order.

11.That apart, on perusal of the accident register, it is seen that the statement made by the person who brought the victim before the Doctor was recorded in Tamil. However, the address and details of the injuries sustained by the victim were recorded in English. Therefore, it would not cause any prejudice to the detenu, and it cannot be said that the detaining authority passed the detention order without application of mind.

12.The further submission of the learned counsel appearing for the petitioner that under the Act 14 of 1982 the detaining



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authority has no jurisdiction to invoke the provisions for a solitary incident, and more particularly, that the said act of the detenu did not have sufficient impact on society so as to cause disturbance to public order, is not acceptable. This is for the sole reason that the detenu committed a sexual offence against a minor victim girl aged 8 years. Therefore, the detenu has committed an offence against society, and it is a serious and heinous one. Hence, even a solitary incident can be considered for passing the detention order.

13.In view of the above, we find no infirmity or illegality in the order passed by the second respondent and this petition is liable to be dismissed. Accordingly, this Habeas Corpus Petition is dismissed.

[G.K.I.J.] & [R.P.J.]
01.12.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes
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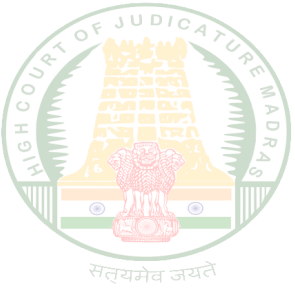
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- 2.The District Collector and District Magistrate,
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- 3.The Superintendent,
Central Prison,
Tiruchirapalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K. ILANTHIRAIYAN, J.
AND
R. POORNIMA, J.

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