



H.C.P.(MD)No.1378 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 18.02.2026

CORAM:

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

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Boomani

... Petitioner/
Wife of the Detenu

-VS-

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

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

3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

... 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 Cr.M.P.No.62/2025, dated 12.07.2025 in detaining the detenu under Section 2(ggg) of the Tamil Nadu Act 14 of 1982 as a Sexual Offender and quash the same and direct the respondents to produce the detenu namely Sivakumar, S/o.Duraisamy, aged about 40 years (now detained at Central Prison, Tiruchirappalli) before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran

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., Selvakumar, S/o.Duraisamy, aged about 40 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.62/2025, dated 12.07.2025 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



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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 learned counsel for the petitioner raised the grounds that the detainee was arrested and remanded to judicial custody on 03.07.2025, but the detention order was passed only on 12.07.2025. There was a delay of 9 days between the arrest of the detainee and passing of the detention order. Further, there was no close proximity reason to detain the detainee under Act 14.

4. On perusal of the records and submissions made on either side, it was revealed that the detainee committed a serious and heinous offence as against the minor girl. Therefore, the Sponsoring Authority registered an FIR in Crime No.24 of 2025 for the offences under Sections 5(m), 5(n), 5(j)(ii) r/w 6(i) of POCSO Act and 351(3) of BNS. The



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petitioner is being an offender of sexual offence, the Investigating Officer ought to have recorded the statement from the victim and the medical evidence. That apart, within 9 days from the date of arrest, the detention order was passed. Therefore, there is absolutely no delay in passing the detention order.

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,
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Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Tiruchirappalli District,
Tiruchirappalli.
- 3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

apd

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