



WEB COPY



HCP.No.1915 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.11.2025

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1915 of 2025

Rajasekar

... Petitioner
/friend of the detenu

Versus

1. The State of Tamil Nadu

Rep. By its Additional Chief Secretary to Government
Department of Prohibition and Excise (Home)
Fort St.George
Chennai – 600 009

2. The Commissioner of Police

Avadi City Police
Avadi, Chennai – 600 054

3. The Superintendent of Prison

Central Prison
Puzhal, Chennai

4. The Inspector of Police

E-1, Ponneri Police Station
Chennai

.. Respondents



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Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the records in No.106/BCDFGISSSV/2025 dated 17.07.2025 on the file of second respondent and set aside the same as illegal and produce the detenu Vasanthakumar, Son of Murugan, aged about 28 years, who is confined at Central Prison, Puzhal, Chennai both this Court and set him at liberty.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner, who is the friend of the detenu Vasanthakumar, Son of Murugan, male, aged about 28 years, has come forward with this petition challenging the detention order passed by the second respondent dated 17.07.2025 bearing reference No.106/BCDFGISSSV/2025 slapped on his friend, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].



HCP.No.1915 of 2025

WEB COPY

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds are raised in this petition, the learned counsel for the petitioner focused mainly on the ground that the statements under 180 (iii) of BNSS, said to have been made by the witnesses are undated. Hence, the learned counsel for the petitioner raised a *bona fide* doubt as to when these statements were obtained from the witnesses. The learned counsel further pointed out that, unless the statements relied upon by the Sponsoring Authority are immediately before the Detention Order, it may not have relevance and hence, the subjective satisfaction of the Detaining Authority based on these documents, would vitiate the Detention Order.

4. Learned Additional Public Prosecutor has not refuted the furnishing of undated 180(iii) statement of witnesses to the detenu.

5. It is seen from records that the statements obtained by the Sponsoring Authority from the Witnesses, enclosed in the Booklet at Pg.Nos.12 to 17 are not dated. When the statements obtained from the witnesses are not dated, the veracity of such statements become doubtful.



HCP.No.1915 of 2025

WEB COPY

The compelling necessity to detain the detenu would also depend on when the statements were obtained. In the absence of the date, the compelling necessity to detain, becomes suspicious. Hence, this Court is of the view that the subjective satisfaction of the Detaining Authority based on such undated materials, suffer from non-application of mind and the detention order is liable to be quashed.

6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the 2nd respondent dated 17.07.2025 in BCFGISVV No.106/2025 is hereby set aside. The detenu viz., Vasanthakumar, Son of Murugan, male, aged about 28 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[N.S.K.,J.] [M.J.R.,J.]
17.11.2025

Index: Yes/No
Neutral Citation: Yes/No
gpa



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