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HCP.No.1969 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.11.2025

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1969 of 2025

S.Syed Ibrahim

... Petitioner
/Next friend of detenu

Versus

1. The Secretary to the Government
Prohibition and Excise Department
Fort St.George
Chennai – 600 009

2. The Commissioner of Police
Greater Chennai
Egmore, Chennai

3. The Superintendent
Central Prison II
Puzhal, Chennai – 600 066

4. The Inspector of Police
C-5, Kothavalchavadi Police Station
Chennai

.. Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus directing the respondents to produce the detenu Selvakumar @ Abdullah, Son of Muthuvel, male, aged about 40 years, now confined at Central Prison II, Puzhal at Chennai and

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detained vide the order of detention in No.389/BCDFGISSSV/2025 dated 20.06.2025 on the file of the second respondent.

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For Petitioner : Mr.A.Thirumaran

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 Selvakumar @ Abdullah, Son of Muthuvel, male, aged about 40 years, has come forward with this petition challenging the detention order passed by the second respondent dated 20.06.2025 bearing reference No.389/BCDFGISSSV/2025 slapped on his friend, branding him as "Drug Offender" 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].

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



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

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

5. It is seen from records that the statement obtained by the Sponsoring Authority from the father of the detenu, enclosed at Pg.No.144 of Volume I is not dated. When the statement obtained from the witness is not dated, the veracity of such statement becomes doubtful. The compelling necessity to detain the detenu would also depend on when the statement was obtained. In the absence of the date, the compelling necessity to detain, becomes suspicious. Hence, this Court is of the view that the subjective



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satisfaction of the Detaining Authority based on such undated material, suffers 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 second respondent dated 20.06.2025 in No.389/BCDFGISSSV/2025 is hereby set aside. The detenu viz., Selvakumar @ Abdullah, Son of Muthuvel, male, aged about 40 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.]
28.11.2025

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



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To

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3. The Superintendent
Central Prison II
Puzhal, Chennai – 600 066
4. The Inspector of Police
C-5, Kothavalchavadi Police Station
Chennai
5. The Joint Secretary to Government
Public (Law & Order)
Fort Saint George, Chennai – 9
6. The Public Prosecutor
High Court, Madras.



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AND

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