



HCP.No.2194 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED 24.11.2025

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2194 of 2025

M.Sivakumar

... Petitioner

Versus

1. The State Rep. by
The Secretary to the Government
Home, Prohibition and Excise Department
Government of Tamil Nadu
Fort St.George, Chennai – 600 009
2. The Commissioner of Police/
Detaining Authority
Coimbatore City
Coimbatore District
- 3.The Superintendent of Prison



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Central Prison- Coimbatore
Coimbatore

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4. The Inspector of Police
All Women Police Station (East)
Coimbatore City
Coimbatore District

... Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus call for the records in connection with the order of detention passed by the 2nd respondent dated 26.05.2025 in C.No.91/G/IS/2025 against the petitioner M.Sivakumar, M/38 Years, S/o.Manickam, who is confined at Central Prison, Coimbatore and quash the same and consequently direct the respondents herein to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.P.Kannan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

The detenu M.Sivakumar, male, aged 38 Years, S/o.Manickam, has come forward with this petition challenging the detention order passed by the second respondent dated 26.05.2025 bearing reference



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C.No.91/G/IS/2025 branding him as "Sexual 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.

3. Though several grounds have been raised in this petition, the learned counsel for the petitioner focused his argument mainly on the ground that the statements under 180 (iii) of BNSS, said to have been made by the brother of the detenu is undated. Hence, the learned counsel for the petitioner raised a *bona fide* doubt as to when the statement was obtained from the witness. The learned counsel further pointed out that, unless the statement relied upon by the Sponsoring Authority is immediately before the



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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 brother of the detenu to the detenu.

5. It is seen from records that the statements obtained by the Sponsoring Authority from the brother of the detenu, enclosed in Volume I Page No.58 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 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.



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6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 26.05.2025 in C.No.91/G/IS/2025 is hereby set aside and. The detenu viz., M.Sivakumar, male, S/o.Manickam, aged 38 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.]
24.11.2025

Index: Yes/No

Neutral Citation: Yes/No

gpa



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To
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1. The Secretary to the Government
Home, Prohibition and Excise Department
Secretariat
Chennai – 600 009
2. The Commissioner of Police/
Detaining Authority
Coimbatore City
Coimbatore District
3. The Superintendent
Central Prison
Coimbatore
4. The Inspector of Police
All Women Police Station (East)
Coimbatore City
Coimbatore District
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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