



HCP.No.2154 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2025

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2154 of 2025

Srinivasan

... Petitioner

/father of the detenu

Versus

1. The State of Tamil Nadu

Rep. By the Additional Chief Secretary to Government

Home, Prohibition and Excise Department

Fort St.George

Chennai – 600 009

2. The Commissioner of Police

The Greater Chennai City

Vepery, Chennai – 600 007

3. The Superintendent of Prison

Central Prison

Puzhal, Chennai – 600 066

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4. The Inspector of Police
J-4 Kotturpuram Police Station
Chennai

.. Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the records relating to the detention order in Memo No.379/BCDFGISSSV/2025, dated 20.06.2025 passed by the 2nd respondent under the Tamilnadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son Vijayaraj, Son of Srinivasan, aged about 28 years the detenu, now confined in Central Prison, Puzhal, Chennai before this Honble Court and set him at liberty.

For Petitioner : Mr.C.Jagan

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 father of the detenu Vijayaraj, S/o.Srinivasan, male, aged 28 years, has come forward with this petition challenging the detention order passed by the second respondent dated 20.06.2025 bearing reference No.379/BCDFGISSSV/2025 slapped on his

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son, 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].

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 180 (iii) of BNSS, said to have been made by the petitioner/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 petitioner/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 these documents, would vitiate the Detention Order.

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

5. It is seen from records that the statements obtained by the Sponsoring Authority from the petitioner/father of the detenu, enclosed at Pg.No.40 of Volume is not dated. When the statement obtained from the



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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.

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.379/BCDFGISSSV/2025 is hereby set aside. The detenu viz., Vijayaraj, S/o.Srinivasan, 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.]

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Index: Yes/No

Neutral Citation: Yes/No

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To

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1. The Additional Chief Secretary to Government
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2. The Commissioner of Police
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Vepery, Chennai – 600 007
3. The Superintendent of Prison
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4. The Inspector of Police
J-4 Kotturpuram Police Station
Chennai
5. The Joint Secretary to Government
Public (Law & Order)
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6. The Public Prosecutor
High Court, Madras.



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