



HCP.No.2232 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.2232 of 2025

Pavithra

... Petitioner

/wife 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

1/9



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4. The Inspector of Police
R-3 Ashok Nagar 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.368/BCDFGISSSV/2025, dated 19.06.2025 passed by the 2nd respondent under the Tamilnadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioners husband THIRU.KALAIYARASAN S/O.MAHARAJAN, aged about 35 years the detenu, now confined in Central Prison, Puzhal, Chennai before this Honble Court and set him at liberty and pass such further or appropriate order which this Honble Court.

For Petitioner : Mr.A.Vinoth Kumar

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 wife of the detenu Kalaiyarasan, S/o.Maharajan, male, aged 35 years, has come forward with this petition challenging the detention order passed by the second respondent dated



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19.06.2025 bearing reference No.368/BCDFGISSSV/2025 slapped on her

husband, 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].



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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



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Sponsoring Authority from the Witnesses, enclosed in the Booklet at

Pg.Nos.8 to 13 are not dated. When the statements obtained from the witnesses are not dated, the veracity of such statements become doubtful. 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 second respondent dated 19.06.2025 in No.368/BCDFGISSSV/2025 is hereby set aside. The detenu viz., Kalaiyarasan, S/o.Maharajan, male, aged about 35 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.



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[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 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
4. The Inspector of Police
R-3 Ashok Nagar 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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