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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1994 of 2025

Revathi
W/o.Parthiban,
Unjapalayam, Velampalyam,
Tiruppur - 641 663.

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The District Magistrate and District Collector,
Office of the District Collector,
Tiruppur - 641 604.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Tiruppur - 641 604.
4. The Superintendent of Prison
Central Prison Coimbatore,
Coimbatore - 641 018.
5. The Inspector of Police,
Palladam Police Station,
Tiruppur - 641 664.

..Respondent(s)



Prayer: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus or any other Writ or Direction, calling for the entire records connected with the detention order of the 2nd respondent in Cr.M.P.No.69/GOONDA/2025 dated 23.08.2025 and quash the same and direct the respondents to produce the body and person of petitioner's husband namely Parthiban son of Babu aged about 26 years detained in Central Prison, Coimbatore, before this Hon'ble Court and set him at liberty forthwith and pass such further or other orders as this Hon'ble Court.

For Petitioner(s): Mr.B.M.Santharam for
Mr.R.Rajprabhu

For Respondent(s): Mr. R. Muniyapparaj
Additional Public Prosecutor
Assisted By
Mr. M. Sylvester John

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

We have heard Mr.B.M.Santharam, learned counsel for the petitioner and Mr.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.Sylvester John, learned counsel for the respondents.

2. The wife of the detenu has challenged the order of detention dated 23.08.2025, whereunder the detenu Parthiban, male aged 26 years, S/o.Babu,



has been branded as a Goonda in terms of Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Tamil Nadu Act 14 of 1982) (in short 'Act').

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3. Learned counsel for the petitioner would assail the impugned order on various grounds. Firstly, he would submit that the grounds of detention have been supplied to the detenu beyond the stipulated period. Secondly, he would submit that the statement recorded from the relative is undated and thirdly, the petitioner has not sought bail and there is no possibility of him being enlarged on bail and hence reliance on the order passed on 11.04.2025 in Cr.M.P.No.708 of 2023 is incorrect as the facts are distinguishable.

4. Learned Additional Public Prosecutor, for his part, would point out that the detenu has been detained only on 24.08.2025 and hence, the service of the grounds of detention was within time.

5. It is true that though the order of detention has been passed on 23.08.2025, there is an endorsement in the impugned order itself stating that the detenu has been detained only on 24.08.2025. Section 8 provides for a period of five days within which the grounds of detention are to be supplied to the detenu. The period of five days is to be computed '*from the date of detention*' and hence the period of five days has not been vitiated in the present case. There is thus no merit in this ground put forth on behalf of the petitioner.



6. However, the satisfaction of the detaining authority is based on the statement recorded under Section 161 of the Criminal Procedure Code, 1973 from the relative of the detenu, which is unsigned. Learned Additional Public Prosecutor repeatedly points to the fact that the statement relied upon by the detaining authority is one recorded under Section 161 that does not required to be signed. Hence, according to him, that would suffice for the subjective satisfaction of the detaining authority. We disagree. There is a difference between a Section 161 statement that requires no signature, and a statement recorded from a relative paving the way for subjective satisfaction of the detaining authority, that bail is being obtained for the detenu.

7. If the detaining authority chooses to rely on a statement recorded from the relatives to form an opinion that the detenu will be enlarged on bail, such a statement has necessarily to be dated, and signed by the person from whom the statement is recorded, in support of the subjective satisfaction of the detaining authority.

8. In most cases, including the present, we find that the statement recorded from the relative/friend is unsigned, and reliance on Section 161 will not come to the aid of the authorities in such circumstances. In the present case too, as the statement is unsigned, no credence is liable to be given to the same.

9. The third point is that the petitioners to whom bail was granted in Cr.M.P.No.708 of 2023 on 11.04.2025 were not involved in any previous cases,



whereas the detenu in the present case has three adverse cases. Hence, we agree that comparison with that case reveals non-application of mind on the part of the detaining authority.

10. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Cr.M.P.No.69/GOONDA/2025 dated 23.08.2025 is set aside.

11. The detenu, viz., Parthiban, S/o.Babu, male aged 26 years, who is now confined in Central Prison, Coimbatore, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)

24-03-2026

sl

Index: Yes/No

Speaking order

Neutral Citation: Yes

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The District Magistrate and District Collector,
Office of the District Collector,
Tiruppur - 641 604.



3. The Superintendent of Police,
Office of the Superintendent of Police,
Tiruppur - 641 604.
4. The Superintendent of Prison
Central Prison Coimbatore,
Coimbatore - 641 018.
5. The Inspector of Police,
Palladam Police Station,
Tiruppur - 641 664.
6. The Public Prosecutor,
High Court of Madras.
7. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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