



WEB COPY

HCP No. 813 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

HCP No. 813 of 2026

Amutha
W/o. K.Ravi,

..Petitioner(s)

Vs

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise (XVI)
Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai District.
4. The Inspector of Police,
Law and Order,
S-8, Adambakkam Police Station,
Chennai District.

..Respondent(s)

Habeas Corpus Petition filed under Article 226 of Constitution of India to call for the entire records connected with the detention order in Memo No.42/BBCDEFGISSSV/2026 dated 28.01.2026 on the file of the Respondent No.2 and quash the same and direct the Respondents to produce the body and



person of Petitioner's son one named Mr.Nishanth @ Bablu S/o. Ravi aged about 32 years now confined at Central Prison, Puzhal before this Court and set him at liberty forthwith.

For Petitioner(s): Mr.P.Muthamizhselvakumar

For Respondent(s): Mr.M.Mohamed Riyaz
Government Advocate (Crl.side)

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

The petitioner, who is the mother of the detenu Mr.Nishanth @ Bablu S/o. Ravi, male, aged about 32 years, has come forward with this petition challenging the detention order passed by the second respondent dated 28.01.2026 bearing reference Memo No.42/BBCDEFGISSSV/2026 slapped on her 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 Government Advocate (Crl.side) appearing for the respondents.

3. Though several grounds have been raised, the learned counsel for the petitioner in the hearing submitted that the Detaining Authority has relied on the

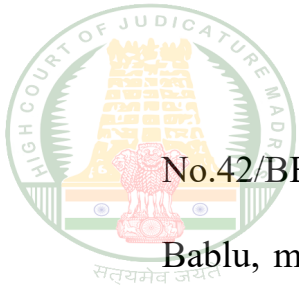


statement recorded from the mother of the detenu under Section 180(3) of BNSS while passing the impugned detention order, but the same does not contain the signature of the Inspector of Police, who recorded the statement.

4.The said submission made by the learned counsel appearing for the petitioner has not been disputed by learned Government Advocate (Crl.side).

5. We have perused the grounds booklet served on the detenu and we find that the statement recorded from the mother of the detenu under Section 180(3) of BNSS is enclosed at Page No.49 in Volume I of the booklet, but the same does not contain the signature of the Inspector of Police/Sponsoring Authority. The Detaining Authority has arrived at the subjective satisfaction that there is real possibility of detenu coming out on bail only based on the statement of the mother of the detenu, but the same does not contain the signature of the Inspector of Police/Sponsoring Authority. Therefore, we are of the view that if the statement of the relative of the detenu does not contain the signature, the subjective satisfaction arrived at by the Detaining Authority that there is a possibility of detenu coming out on bail is an after thought and there is clear non application of mind when it comes to passing of impugned detention order. In this view of the matter, the impugned detention order is vitiated and the same is liable to be set aside.

6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 28.01.2026 in Memo



No.42/BBCDEFGISSSV/2026 is hereby set aside. The detenu viz., Nishanth @

Bablu, male, aged 32 years, S/o.Ravi, is directed to be set at liberty forthwith

unless he is required in connection with any other case.

(N.S.K.,J.) (K.R.S.,J.)

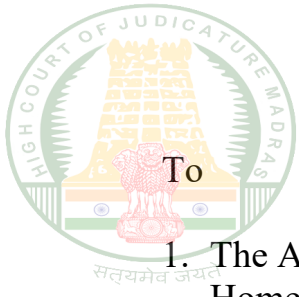
20-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

gpa



To

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Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai District.
4. The Inspector of Police,
Law and Order,
S-8, Adambakkam Police Station,
Chennai 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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**N.SATHISH KUMAR, J.
AND
K.RAJASEKAR, J.**

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