

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2127 of 2019

Latha
W/o.Arthanari

... Petitioner

Vs

1.State of Tamil Nadu
represented by
The Secretary to Government,
Home, Prohibition & Excise Department,
Fort St.George, Chennai - 600009.

2.The District Collector and District Magistrate,
Erode District,
Erode. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records pertaining to the order of detention passed by second respondent in Cr.M.P.No.19/Bootlegger/2019-/C1 dated 01.08.2019 against the petitioner's husband Arthanari S/o.Chinnakkannu, aged 33 years, now confined at Central Prison, Coimbatore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.T.Muruganantham
For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner is the mother of the detenu viz., Arthanari S/o.Chinnakkannu, aged 33 years, who has been branded as a 'Bootlegger' under the Tamil Nadu Act 14 of 1982 and detained under order of second respondent passed in Cr.M.P.No.19/Bootlegger/2019-/C1 dated 01.08.2019.

2. The alleged ground case has been registered against the detenu in Crime No.605 of 2019 on the file of Erode Town Prohibition Enforcement Wing for offences u/s.4(1)(aaa), 4(1-A), 4(1)(b), 4(1)(g), 4(1)(h) of Tamil Nadu Prohibition Act and Sections 5, 6 and 7 of Tamil Nadu Rectified Spirit Rules and Sections 420, 467, 468 and 471 IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing for respondents. Perused the materials on record.

4. Learned counsel for petitioner submits that in the English version of the detention order, the name of the petitioner's father was mentioned as Chinnakkannu, whereas in the Tamil version, the same was wrongly mentioned as Karuppannan, which reflects non-application of mind on the part of the detaining authority in passing the detention order.

5. We have heard learned Additional Public Prosecutor on the above submissions.

6. As rightly submitted by learned counsel for petitioner, there is variation in the petitioner's name between the English and Tamil version. Hence, we find that the order of detention suffers from non application of mind.

Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., Arthanari S/o.Chinnakkannu, in Cr.M.P.No.19/Bootlegger/2019-/C1 dated 01.08.2019, is quashed. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

gm
To

1.The Secretary to Government,
Home, Prohibition & Excise Department,
Fort St.George, Chennai - 600009.

2.The District Collector and District Magistrate,
Erode District, Erode.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The Superintendent of Central Prison,
Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

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A.SK(27/01/2020)



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