

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2020

CORAM

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

H.C.P.No.2256 of 2019

Balakrishnan
S/o.Makkere

..Petitioner/Husband of the Detenue

Vs.

1.The District Collector and District Magistrate,
Cuddalore District,
Cuddalore.

2.The Principal Secretary to the Government
of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 9.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records in C3/D.O/76/2019 on the file of first respondent, set aside the detention order dated 04.10.2019 and direct the production of the detenue Tamilzharasi @ Chinnathankachi W/o.Balakrishnan, aged about 53 years, presently detained at Special Prison for Women, Cuddalore, under Tamil Nadu Act 14 of 1982 as a Bootlegger, before this Court and set her at liberty.

For Petitioner : Mr.K.Balasubramaniam

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 husband of the detenue viz., Tamilzharasi @ Chinnathankachi W/o.Balakrishnan, aged 53 years, who has been branded as a 'Bootlegger' under the Tamil Nadu Act 14 of 1982 and detained under order of first respondent passed in C3/D.O/76/2019 dated 04.10.2019.

2. The detinue came to adverse notice in the following cases:

Sl.No.	Police Station/Crime No.	Section of Law
1.	Pudupettai P.S., Cr.No.219/2018	4(1)(aa) & 4(1-A) @ 4 (1)(aa) TNP Act, 1937
2.	Pudupettai P.S., Cr.No.211/2019	4(1)(aa) & 4(1-A) TNP Act, 1937
3.	Pudupettai P.S., Cr.No.258/2019	4(1)(aa) & 4(1-A) TNP Act, 1937

The alleged ground case has been registered against the detinue in Crime No.288 of 2019 on the file of Pudupettai Police Station for offences u/s.4(1)(aaa) & 4(1-A) Tamil Nadu Prohibition Act, 1937. 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. Though several grounds have been raised in the Habeas Corpus Petition, learned counsel for petitioner mainly focussed his argument on the ground that the arrest of the detinue has been intimated to her son-in-law through SMS. However, to establish the same, no proof has been produced, which would vitiate the detention.

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

6. In the light of the fact that there is no proof for establishing that the arrest of the detinue was duly informed to her son-in-law, we have no hesitation in quashing the order of detention.

Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the first respondent against the detinue viz., Tamilzharasi @ Chinnathankachi W/o.Balakrishnan, in C3/D.O/76/2019 dated 04.10.2019, is set aside. The above named detinue is ordered to be set at liberty forthwith, unless her custody is required in connection with any other case.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

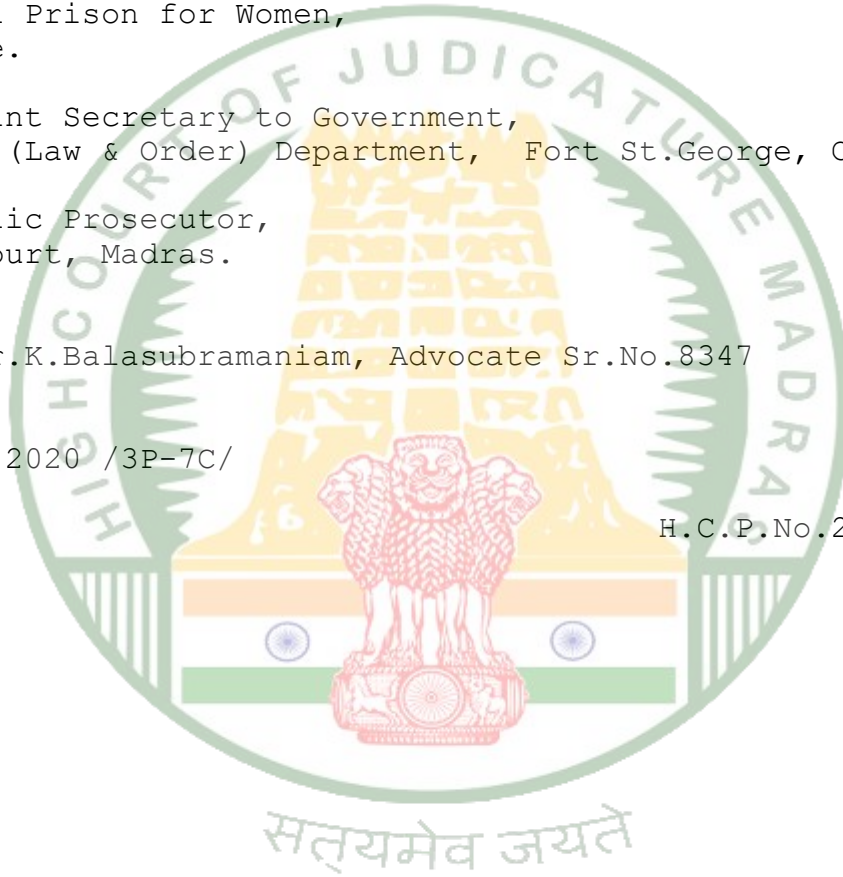
To

- 1.The District Collector and District Magistrate,
Cuddalore District,
Cuddalore.
- 2.The Principal Secretary to the Government
of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 9.
- 3.The Superintendent,
Special Prison for Women,
Vellore.
4. The Joint Secretary to Government,
Public (Law & Order) Department, Fort St.George, Chennai.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Balasubramaniam, Advocate Sr.No.8347

AKM/11.03.2020 /3P-7C/

H.C.P.No.2256 of 2019



WEB COPY