

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2020

CORAM

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

H.C.P.No.2320 of 2019

Jayapriya  
W/o.Sakthivel

... Petitioner

Vs

1.State of Tamil Nadu  
represented by its  
Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai - 600009.

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

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the entire records relating to petitioner's husband detention under Tamil Nadu act 14 of 1982 vide detention order dated 14.10.2019 on the file of second respondent herein made in proceedings in D.O.No.81/2019-C2 and quash the same as illegal and consequently, direct respondents herein to produce the said petitioner's husband viz., Sakthivel S/o.Sundaramoorthy, aged 29 years, before this Court, now detained at Central Prison, Vellore and set him at liberty.

For Petitioner : Mr.R.Sasikumar

For Respondents: Mr.R.Prathap Kumar

Additional Public Prosecutor

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O R D E R

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

Petitioner is the wife of the detenu viz., Sakthivel S/o.Sundaramoorthy, aged 29 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 D.O.No.81/2019-C2 dated 14.10.2019.

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

| Sl. No. | Police Station & Crime No.                              | Section of Law                                                 |
|---------|---------------------------------------------------------|----------------------------------------------------------------|
| 1.      | Tiruvannamalai Taluk Police Station, Crime No.1248/2018 | 4(1)(aa) r/w 4(1-A) (ii) TNP Act 1937 @ 4(1)(aa) TNP Act, 1937 |
| 2.      | Tiruvannamalai Taluk Police Station, Crime No.1369/2018 | 4(1)(aa) r/w 4(1-A) (ii) TNP Act 1937 @ 4(1)(aa) TNP Act, 1937 |
| 3.      | Tiruvannamalai Taluk Police Station, Crime No.543/2019  | 4(1)(aa) r/w 4(1-A) (ii) TNP Act 1937 @ 4(1)(aa) TNP Act, 1937 |

The alleged ground case has been registered against the detenu in Crime No.657 of 2019 on the file of Tiruvannamalai Taluk Police Station for offences u/s.4(1)(i), 4(1)(aaa) r/w 4(1-A) (ii) 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. Learned counsel for petitioner submits that as per Section 8 of the Tamil Nadu Act 14 of 1982, the detention order along with the booklet should be served on the detenu within 5 days from the date of passing of the detention order. Though the detention order was served well within the time, the booklet was served on the detenu only after a period of 8 days.

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

6. Non-furnishing of booklet to the detenu within the specified time would deprive the detenu in many ways. Hence, we have no hesitation in setting aside the order of detention.

Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., Sakthivel S/o.Sundaramoorthy, aged 29 years, in D.O.No.81/2019-C2 dated 14.10.2019, is set aside. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-  
Assistant Registrar(CS)

//True Copy//

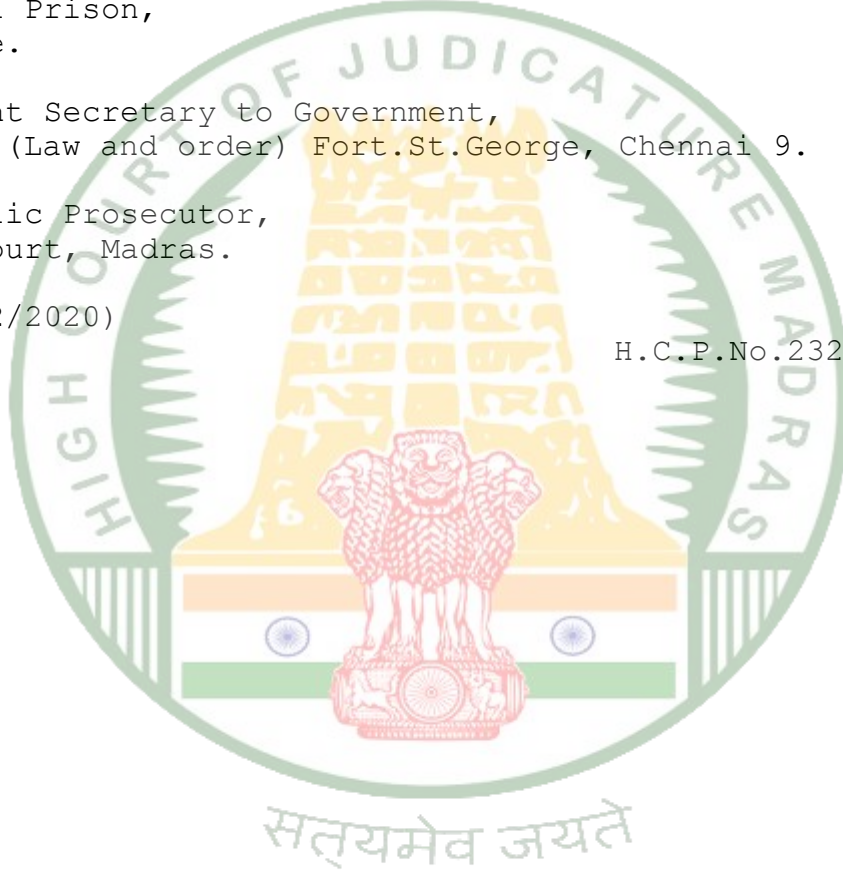
Sub Assistant Registrar

To

- 1.The Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai - 600009.
- 2.The District Collector and District Magistrate,  
Tiruvannamalai District,  
Tiruvannamalai.
- 3.The Superintendent,  
Central Prison,  
Vellore.
- 4.The Joint Secretary to Government,  
Public (Law and order) Fort.St.George, Chennai 9.
- 5.The Public Prosecutor,  
High Court, Madras.

A.SK(26/02/2020)

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