



HCP(MD). No.348 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Criminal Original Jurisdiction

Tuesday, the Tenth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

AND

The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD

HCP(MD). No.348 of 2024

Yasmin Begam

... Petitioner / Wife of the detenue

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 Collectorate,
Dindigul Dindigul District.

3 The Superintendent of Police
Office of the Superintendent of Police
Dindigul District. Dindigul

4 The Superintendent of Prison
Central Prison Madurai

... Respondents



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Prayer :-

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To direct the respondents to produce the person or body of the detenu namely Y.Jahangir S/o Yusuf aged about 52 yrs before this Honble court who is now detainee in the Central Prison, Madurai in pursuant to the detention order passed by the second respondent in Detention Order No.12/2024 dated 06.03.2024 and to call for the records and quash the same and set the detenu liberty forthwith.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru.K.R.Badurus Zaman, Advocate for the Petitioner and of Thiru.S.Ravi, Government Advocate for the respondents, this Court made the following order:

"We are constrained to allow H.C.P(MD)No.348 of 2024 file in which, the detenu was Y.Jahangir, son of Yousuf, aged about 52 years. The allegation against him in the ground case was that he was found in possession of (i) 31 white colour sack bags containing each 55 Ganesh Tobacco pockets weighing about 383.625 Kg and the worth of the same is about Rs.2,04,500/-; (ii) 14 white colour sack bags containing each 57 Cool Lip Tobacco pockets weighing about 80.430 Kg and the worth of the same is about Rs.1,65,984/-; (iii) 1 white colour sack bags containing each 52 Vimal Tobacco pockets weighing about 59.280 Kg and the worth of the same is about Rs.81,120/-; (iv) 01 white colour sack bag containing each 50 Hans Tobacco pockets weighing about 15 Kg and the worth of the same is about Rs.6,000/-; and (v)



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20 white colour sack bags containing each 52 V1 Tobacco pockets weighing about 22 Kg and the worth of the same is about Rs.31,200/-. The total weight of seized Tobacco pockets is 560.335 Kilogram and the total worth of the seized property is Rs.4,88,904/-.

2. He had been remanded to custody on 18.02.2024 and the detention order categorizing him as a “Drug Offender” under Tamil Nadu Act 14 of 1982 had been passed in D.O.No.12/2024 on 06.03.2024 by the District Magistrate and District Collector, Dindigul District. As a matter of fact, there were also 4 earlier cases which have been cited as adverse cases of similar in nature.

3. Though the learned counsel for the petitioner had raised several grounds which we were not inclined to accept, the ground of delay in considering the representation dated 10.04.2024, is a compelling ground, owing to which, we had to allow the Habeas Corpus Petition. The proforma had been forwarded by the learned Additional Public Prosecutor purportedly issued by S.Narayani, Deputy Secretary to Government and affirmed as true copy by the Section Officer.

4. A perusal of the said proforma giving the dates on which the representation had been dealt with by each Department, reveals that the Deputy Secretary had dealt with the file on 12.04.2024 and that the Minister had dealt with the same on 19.04.2024 with a delay of 6 days, of which 2 days' delay has been



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explained by stating that they were Government holidays, but still there was a delay of 4 days. We would direct an affidavit to be filed by the Deputy Secretary to the Government giving the specific date on which the file had moved from the office of the Deputy Secretary to the Office of the Minister and whether the delay is at the end of the Deputy Secretary or not?

5. For filing such an affidavit, list the matter on 30.09.2024."

Sd/-

Assistant Registrar (C.S.III)

// True Copy //

/09/2024

Sub Assistant Registrar
(CS - I, II, III, IV)

RM

TO

1. The Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The Deputy Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

<https://www.mhc.tn.gov.in/judis>



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The Section Officer,
Criminal Section,
Madurai Bench Of Madras High Court,
Madurai.

ORDER DATED : 10/09/2024

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ORDER
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Giving direction and etc.
as stated within.

SL(13.09.2024)/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.