

(1995) 11 MAD CK 0071
In the Madras High Court
Case No : H.C.P. 1016 of 1995

Elangovan

APPELLANT

Vs

The District Magistrate and District Collector Dharmapuri, The
Secretary to Government of Tamil Nadu Prohibition and
Excise Department, Fort St. George Madras 600 009

RESPONDENT

Date of Decision : 29-11-1995

Acts Referred:

Citation : (1996) 2 LW(Cri) 680

Hon'ble Judges : Jayaram Chouta, J;Arunachalam, J

Bench : Division Bench

Advocate : A.K.S. Thahir, for the Appellant; I. Subramanian, Additional Public
Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

Arunuchalam, J.—Petitioner Elangovan has been detained as a "bootlegger" under Tamil Nadu Act 14 of 1982. In pursuance of an order of detention dated 24.5.1995 passed by the first Respondent, District collector and District Magistrate, Dharmapuri with a view to preventing him from acting in any manner prejudicial to the maintenance of public order and public health.

2. We are not narrating the facts in detail, which led to the passing of the impugned order for. on the short ground of extraneous material having been relied upon but not supplied to the detenu, this habeas corpus petition will have to be allowed.

3. In the grounds of detention, detaining authority has stated that the Medical Officer concerned has stated, among other things, that excess consumption of arrack mixed with atropine would cause death. The statement of the Medical Officer does not indicate the same. It is therefore, clear that extraneous material, not supplied to the detenu, stood relied upon. It is be possible to conceive that death, as a consequence of consumption of poisonous arrack may

not be necessary to pass a preventive order under Tamil Nadu Act 14 of 1982. But on the facts available in this case we are satisfied that extraneous material, not supplied to the detenu, duly relied upon would enure in favour of the detenu.

4. The impugned order of detention shall stand set aside. The detenu is directed to be set at liberty forthwith, unless his detention is otherwise required. The habeas corpus petition is allowed.