
(2006) 06 MAD CK 0056

In the Madras High Court

Case No : Habeas Corpus Petition No. 308 of 2006

Jareena

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 21-06-2006

Acts Referred:

Citation : (2006) 06 MAD CK 0056

Hon'ble Judges : V. Dhanapalan, J;P. Sathasivam, J

Bench : Division Bench

Advocate : L. Poompavai, for the Appellant; M. Babu Muthu Meeran, Assistant Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner challenges the detention order, dated 27.02.2006, detaining her brother by name Abdul Rahuman as

"Bootlegger" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders,

Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

2. Heard learned Counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned Counsel for the petitioner submitted that there was inordinate delay in disposal of the representation of the detenu.

With reference to the said contention, the particulars furnished by the learned Additional Public Prosecutor show that the representation of the

detenu was received by the Government on 24.03.2006, remarks were called for on 27.03.2006 and the same were received from the

Sponsoring Authority on 05.04.2006. Thereafter, File was dealt with by the Under Secretary and Deputy Secretary on 06.04.2006. Finally, the

Minister for Prohibition and Excise passed orders on 07.04.2006. Thereafter, the rejection letter was prepared on 10.04.2006. The said letter

was sent to the Central Prison for service on 12.04.2006 and served to the detenu on 15.04.2006.

4. Learned counsel appearing for the petitioner submitted that though, on receipt of the communication from the Government, the Collectorate

called upon the Sponsoring Authority to furnish the remarks even on 27.3.2006, the Sponsoring Authority forwarded the remarks only on

31.03.2006 and the same were sent to the Government on 03.04.2006. It is the claim of the counsel for the petitioner that the Sponsoring

Authority is not justified in taking three days" time in forwarding the remarks to the Collectorate. We verified the details furnished. As rightly

pointed out, the Sponsoring Authority, though received proper communication from the Collectorate even on 27.3.2006, forwarded the remarks

only on 31.03.2006. In the absence of proper explanation by the Sponsoring Authority and of the fact that he possessed all the required details

with regard to the detention order passed by the Detaining Authority, we are of the view that the time taken by him is on the higher side, which

ultimately prejudiced the detenu in considering his representation effectively. On this ground, the impugned order of detention is quashed.

5. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenu is directed to be set at liberty

forthwith from the custody unless he is required in some other case or cause.