
(2006) 10 MAD CK 0026

In the Madras High Court

Case No : Habeas Corpus Petition No. 752 of 2006

K. Mumtaj

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 10-10-2006

Acts Referred:

Citation : (2006) 10 MAD CK 0026

Hon'ble Judges : S. Tamilvanan, J;P. Sathasivam, J

Bench : Division Bench

Advocate : Abudu Kumar Rajarathinam, for S. Anand Raj, for the Appellant; M. Babu Muthu Meeran, Assistant Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner, who is the wife of the detenu by name Khader @ Khader Mohaideen @ Khader Meeran, who is

detained as a ""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), by the impugned

detention order dated 29.07.2006, challenges the same in this Petition.

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

3. At the foremost, learned Counsel appearing for the petitioner has brought to our notice that though the accused/detenu was arrested at 23.00

hrs. on 03.07.2006, the arrest memo contains the crime number. He also pointed out that the confession statement was recorded at 23.15 hrs to

24.00 hrs on 03.07.2006, which also refers the Cr. No. 86 of 2006, though the

information relating to the alleged offence was passed on to the police only on 04.07.2006 at 02.30 hrs., and thereafter, the case was registered and the crime number was assigned. There is no dispute regarding the above factual details. In the absence of such clarification, we accept the said contention.

4. In such circumstances, in the absence of proper explanation by the person concerned mentioning the crime number even in the arrest memo as well as in the confession statement and the fact that this relevant aspect was not considered by the detaining authority, the detention order is liable

to be 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 connection with some other case or cause.