
(1995) 09 MAD CK 0018
In the Madras High Court
Case No : H.C.P. No. 698 of 1995

Kadalaimittai @ Muthupandi

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 21-09-1995

Acts Referred:

Citation : (1995) 2 LW(Cri) 690

Hon'ble Judges : Thangamani, J;Arunachalam, J

Bench : Division Bench

Advocate : P. Jagadeeswaran, for the Appellant; I. Subrainanian, Additional Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

Arunachalam, J.—Petitioner Kadalaimittai alias Muthupandi has been detained as a "bootlegger", under Tamil Nadu Act 14 of 1982, in

pursuance of an order of detention dated 21-11-1994, passed by the second respondent, District Collector, Tirunelveli Kattabomman District,

Tirunelveli, with a view to preventing him from acting in any manner prejudicial to the maintenance of public order and public health.

2. To answer the single contention raised by the petitioner's Learned Counsel, it would be totally unnecessary to state the facts in detail which led

to the passing of the impugned order. Mr. P.Jagadeeswaran, petitioner's Learned Counsel, contended that, in paragraph 5 of the grounds of

detention the detaining authority has stated that he was aware of the detenu having been granted bail on 21- 11-1994 by the District Judge,

Tirunelveli in Crl. M.P. No. 3620 of 1994, on a bail application filed by him on 14-11-1994. On this basis, the detenu has also been supplied with

the bail petition and the bail order. The supply of the bail order, according to petitioner's Learned Counsel, will indicate that the detaining authority

has perused the said document as well, before passing the impugned order. But, that could not have been done since the bail order was passed

only on that day and, if at all, a copy could have been obtained only on the next day.

3. We have heard Mr. I. Subramanian, Learned Additional Public Prosecutor, on this ground. He submitted, that bail order was obtained only on

the next day and it could not have been placed before the detaining authority. It is apparent that either extraneous material stood relied upon to

pass the impugned order or after arrival of subjective satisfaction additional documents stood added up. Either way, detenu is bound to succeed.

4. Impugned order of detention shall stand set aside. The detenu is directed to be set at liberty forthwith unless his detention is otherwise required.

This Habeas Corpus Petition is allowed.