

(1993) 11 MAD CK 0011
In the Madras High Court
Case No : H.C.P. No. 1188 of 1993

Kumar

APPELLANT

Vs

The District Magistrate and Collector of North Arcot,
Ambedkar District, Vellore and The Secretary to Government
of Tamil Nadu, Prohibition and Excise Department, Fort St.
George, Madras - 9

RESPONDENT

Date of Decision : 09-11-1993

Acts Referred:

Citation : (1993) LW(Cri) 655

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

Bench : Division Bench

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

Final Decision : Allowed

Judgement

Arunachalam, J.—Petitioner Kumar is himself the detenu. He has been detained, as a bootlegger under Tamil Nadu Act 14 of 1982, in

pursuance of an order of detention dated 11.7.1993 passed by the first Respondent, District Magistrate and Collector of North Arcot Ambedkar

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

2. It will be totally unnecessary to detail the facts which led to the passing of the impugned order of detention, for this habeas corpus petition is

bound to be allowed, on the short ground of non-supply of documents relied upon, even after a request was made by the detenu, through his

representation, dated 22.7.1993.,

3. Mr. A.K.S. Thahir, Petitioner's counsel, brought to our notice the following

passage in the grounds of detention:

..... Further I am aware that Thayarammal, Mother of Thiru Kumar, has sent a telegram on 7.7.93 stating that her son has been illicitly (illegally)

detained by the police. This telegram was taken into consideration before passing the detention order.....

4. In spite of the said telegram having been taken into consideration, while arriving at the subjective satisfaction, Detaining Authority had not chosen

to furnish a copy of the same to the detenu, either along with the grounds or even thereafter, when a specific request was made for supply of the

said telegram. No supply of this telegram, is certainly prejudicial to the case of the detenu, since the subject matter of the telegram relates to illegal

detention by the police.

5. Not only that, the detenu had made a request, through his representation, for supply of a Tamil copy of the bail petition filed by him in the

ground case, on the basis of which he was released on bail. Though the Detaining Authority had furnished to the detenu a copy in English, of the

bail petition, a Tamil translation was not supplied, in spite of a request made, though it is not disputed, that the detenu knows only Tamil and not

English. The reply by the Detaining Authority is that the Petitioner can apply for the said document before the concerned court and obtain the

same. It is settled law that in the event of bail being ordered, Detaining Authority is bound to supply the bail petition and bail order in the language

known to the detenu, at least after request is made for such supply.

6. Needless to add that the mandates of law have been totally violated by the Detaining Authority in the instant case. On this sole ground, detenu is

bound to succeed.

7. The impugned order of detention shall stand set aside. Detenu is directed to be set at liberty forthwith, unless his detention is otherwise required.

This habeas corpus petition is allowed.