

(1994) 03 MAD CK 0011
In the Madras High Court
Case No : H.C.P. No. 1965 of 1993

Murugesan @ Murugan

APPELLANT

Vs

State and another

RESPONDENT

Date of Decision : 18-03-1994

Acts Referred:

Citation : (1995) 1 LW(Cri) 355

Hon'ble Judges : T. Jayarama Chouta, J;Arunachalam, J

Bench : Division Bench

Advocate : M. Bhaskar, for the Appellant; S. Shanmughavelayutham, Additional Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

Arunachalam, J.—Petitioner Murugesan @ Murugan has been detained as a bootlegger under Tamil Nadu Act 14 of 1982, in pursuance of

an order of detention dated 29.7.1993, passed by the second Respondent, District Magistrate and Collector, Trichy, with a view to preventing him

from acting in any manner prejudicial to the maintenance of public order and public health.

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

allowed, on the short ground of unconscionable delay in disposal of representation forwarded by the detenu to the State Government.

3. Representation dated "Nil" was received by the Home Department of the State Government on 8.9.1993 and forwarded to the Prohibition &

Excise Department on 14.9.1993. Parawar remarks were called for from the second Respondent six days thereafter by letter dated 20.9.1993,

which took five more days for posting. Parawar remarks were received after substantial delay only on 15.11.1993. Again, after a few days of

inaction, representation file was placed before the concerned section on 19.11.1993. It was looked into by the Under Secretary four days

thereafter on 23.11.1993, leading to rejection of representation on 25.11.1993. Learned Additional Public Prosecutor stated that for the delay

between 20.9.1993 and 15.11.1993 no explanation whatever is feasible of being offered, leave alone other patches of delays evident at the State

Secretariat. The huge delay in respect of parawar remarks alone, would suffice to hold in favour of the detenue, for it is apparent that the

representation of the detenue had not been attended to with promptitude and a sense of urgency.

4. 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.