

(2006) 03 MAD CK 0329

In the Madras High Court

Case No : Habeas Corpus Petition No. 1293 of 2005

R. Vasugi

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 13-03-2006

Acts Referred:

Citation : (2006) 03 MAD CK 0329

Hon'ble Judges : P. Sathasivam, J; J.A.K. Sampathkumar, J

Bench : Division Bench

Advocate : R. Shivakumar, for the Appellant; M.K. Subramanian, Government Advocate, for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner is the wife of the detenu by name Rajendran @ Uppu Rajendran, who is detained 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), by the impugned detention order dated 03.10.2005, challenges the same in this Petition.

2. Heard learned counsel for the petitioner as well as learned Government Advocate for the respondents.

3. At the foremost, learned counsel for the petitioner submitted that pursuant to the representation dated 30.11.2005, the Government directed the detaining authority to furnish clean copies of the documents namely Page Nos. 24,27,31,34,50,52 and 54 of the booklet. Learned counsel further submitted that inspite of the said direction, those copies have not been furnished to the detenu. In the light of the decision of the Division Bench of this Court in P. Muthuswamy v. State represented by the Secretary to Government etc. And Anr. 2000 1 L.W. 27, the Government having directed the detaining authority to supply of those documents, it is but proper on the part of the detaining authority to furnish the

same.

5. In the light of the assertion that those copies have not been furnished in view of the decision referred to above, we hold that the ultimate detention order passed by the detaining authority is liable to be quashed. On this ground, we quash the impugned order of detention.

6. Accordingly, the Habeas Corpus Petition is allowed and the order of detention is set aside and the detenu is directed to be set at liberty forthwith from the custody unless he is required in connection with any other case.