

(1999) 08 MAD CK 0120

In the Madras High Court

Case No : Habeas Corpus Petition No. 1904 of 1998

Sasikumar

APPELLANT

Vs

The District Magistrate and District Collector, Karur District,
Karur and The Secretary to Government of Tamilnadu,
Prohibition and Excise Department, Fort. St. George,
Chennai-9

RESPONDENT

Date of Decision : 10-08-1999

Acts Referred:

Citation : (2000) 1 LW(Cri) 482

Hon'ble Judges : V. Bakthavatsalu, J;N. Dhinakar, J

Bench : Division Bench

Advocate : A.K.S. Thahir, for the Appellant; S. Anbalagan, APP, for the Respondent

Final Decision : Allowed

Judgement

N. Dhinakar, J.—The petitioner who is the detenu has been detained by an order dated 21.09.98 passed by the first respondent under Tamil Nadu Act 14 of 1982, after identifying him as a "Bootlegger", since he had come to the adverse notice of the Detaining Authority in several crimes registered under Tamil Nadu Prohibition Act, 1937 and further on 27.8.98 he had acted in a manner prejudicial to the maintenance of public health by selling arrack mixed with Atropine, the poisonous substance.

2. Learned counsel for the petitioner and the learned Additional Public Prosecutor have a reed that all the facts need not be mentioned in the order, since the writ has to be allowed on the following short ground.

3. Learned counsel for the petitioner submits that by representation dated 15.12.98, the detenu through his friend A. Thangavelu sought for a copy of the report given by the Chemical Analyst, since the copy earlier submitted to him alongwith the grounds of detention was illegible. According to the counsel, no

legible copy was supplied to the detenu inspite of such a request. It is admitted that no copy as sought for by the detenu had been given to him. We have also perused the copy of the report given by the Chemical Analyst, supplied to the detenu, which in our view is illegible and the detenu was justified in asking for a legible copy, which was denied to him. Under these Circumstances, we are of the view that there is no proper communication of the grounds of detention and the order of detention has to be set aside and accordingly, it is set aside.

4. In the result, the Habeas Corpus petition is allowed. The impugned order of detention is set aside. The detenu is directed to be set at liberty forthwith, unless his detention is otherwise required in any other case.