

CASE NO.:
Appeal (crl.) 268 of 2001

PETITIONER:
THE STATE OF TAMIL NADU & ANR.

Vs.

RESPONDENT:
MUNIANDI

DATE OF JUDGMENT: 02/03/2001

BENCH:
M.B. Shah & S.N. Variava

JUDGMENT:

S. N. VARIAVA, J.

Leave granted.

Heard parties.

L...I...T.....T.....T.....T.....T.....T.....T...J

This Appeal is against an Order dated 12th April, 2000, by which a Detention Order dated 12th August, 1999 has been quashed. The Detention Order has been quashed on the ground that there has been non-application of mind on the part of the Detaining Authority. This conclusion was arrived at by holding that page 19 of the Recovery Mahazar shows two separate sample bottles each containing 600 mls. of arrack, whereas page 45 of the Chemical Examiner's Report shows 550 mls. of arrack. We have been shown and looked at page 19 of the Recovery Mahazar and page 45 of the Chemical Examiner's Report. They do not both relate to the same case. Page 19 relates to this case but page 45 relates to some other case. Mr. Lambat fairly admitted that the two do not relate to the same case. From the above, it is apparent that the High Court materially erred in not considering these facts before quashing the detention order. In this view of the matter, the impugned Order cannot be sustained and it is accordingly set aside.

However, the Detention Order was of 1999. The same had been quashed by the High Court in April 2000. The period of detention is over. In our view, this is not a case where the Detenu should be made to surrender to undergo the remaining period of detention.

The Appeal stands disposed off accordingly. There will be no Order as to costs.