

Smt. Taramati Chandulal Sejpal

Vs

State of Maharashtra and Another

Criminal Writ Petition No. 6447 of 1980

(Syed M. Fazal Ali, A. Varadarajan JJ)

23.01.1981

JUDGMENT

FAZAL ALI, J. –

1. This habeas corpus petition has been file by the wife of the detenu on his behalf. The detenu was arrested under Section 3(10) of the Conservation of Foreign Exchanges and Prevention of Smuggling Activities Act, 1974 and the order of detention was passed on October 27, 1980. The detenu was, however, arrested on October 29, 1980 when the grounds of mention were served on him, but some documents relied upon in the order of detention were not supplied to the documents were supplied to the detenu in three instalments on November 8, 1980, November, 17, 1980 and December 20, 1980. Thus the detenu was deprived of the opportunity of making an effective representation as held by this Court. It is manifest that the order of detention is rendered void and this case is clearly covered by a series of decision of this Court particularly in *Ichhu Devi Choraria v. Union of India* and also in *Kamla Kanyalal Khushalani v. State of Maharashtra*.

2. For these reasons the writ petition is allowed and the continued detention of the detenu being void the detenu is directed to be released forthwith.

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