

# **SUPREME COURT OF INDIA**

State of T.N.

Vs.

E. Thalaimalai

Crl.A.No.160 of 2000 (Arising out of SLP (Crl.) No. 3603 of 1999)

(K. T. Thomas and D. P. Mohapatra JJ.)

08.02.2000

## **ORDER**

1. Leave granted.

2. The High Court quashed the order of detention only on the ground that the report of the State Government, as envisaged under Section 3(5) of the National Security Act, 1980 had reached the Central Government only after the period of 7 days. There is no dispute that report was despatched within the said period. If so, the decision of three-Judge Bench of this Court will squarely apply *State of Manipur v. Sanasam Ongbi*,: 2000CriLJ23 . In the light of the said decision we set aside the impugned order and remit the case back to the High Court for deciding the Habeas Corpus Petition afresh on other remaining points in the petition. We permit the State authorities to take the 1st respondent back in custody during the pendency of the Habeas Corpus Petition before the High Court. The records will be immediately dispatched to the High Court.

3. This appeal is accordingly disposed of.