**Writ Of Habeas Corpus**

IN THE HON’BLE SUPREME COURT OF INDIA, NEW DELHI

(Original Criminal Jurisdiction)

Writ Petition No\_\_\_\_\_\_\_\_\_of \_\_\_\_\_\_\_\_\_20 \_\_\_\_\_\_\_\_\_

A \_\_\_\_\_\_\_\_\_ aged about \_\_\_\_\_\_\_\_\_ son of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_., resident \_\_\_\_\_\_\_\_\_ Petitioner;

Versus

1. Additional Secretary, Ministry of Finance,

Government of\_\_\_\_\_\_\_\_\_.

2. The Superintendent, \_\_\_\_\_\_\_\_\_ Jail \_\_\_\_\_\_\_\_\_

3. The State of\_\_\_\_\_\_\_\_\_ Respondents.

PETITION FOR THE ISSUE OF WRIT OF HABEAS

CORPUS UNDER ARTICLE 32 OF THE

CONSTITUTION OF INDIA

To

The Hon’ble the Chief Justice and his companion Judges of the Court aforesaid.

The humble petition of the abovenamed Petitioner most respectfully sheweth:

1. That the petitioner is a resident of \_\_\_\_\_\_\_\_\_. and he was living peacefully at his residence at the place aforesaid.

2. That on \_\_\_\_\_\_\_\_\_. Respondent No. 1 made an order under Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 by which he directed that the Petitioner shall be arrested and detained for a period of three months. A copy of the order is annexed herewith as Annexure ‘‘A’’.

3. That the Petitioner was arrested the same day and was detained in \_\_\_\_\_\_\_\_\_Jail. The grounds of detention were not supplied to the petitioner on that day. The grounds were actually supplied on\_\_\_\_\_\_\_\_\_. A copy of the grounds supplied is annexed herewith as Annexure ‘‘B’’.

4. That on \_\_\_\_\_\_\_\_\_. the Petitioner submitted a representation against his detention through Respondent No. 2 but the same was considered by the Advisory Board after one month and was rejected on \_\_\_\_\_\_\_\_\_. . . .

5. That the grounds of detention supplied to the Petitioner were in English which language the Petitioner does not know.

6. That the orders of detention of the Petitioner are illegal, improper and without jurisdiction on the following:

GROUNDS

1. Because the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, is unconstitutional and void as it is beyond the legislative competence of Parliament.

2. Because the order has been passed by an officer not duly authorised.

3. Because the grounds were supplied after undue delay.

4. Because the grounds are in English which language the Petitioner does not know and this has prevented him from making an effective representation.

5. Because the grounds are irrelevant to the object of the Act.

6. Because the grounds are vague.

7. Because there was undue delay in the disposal of the representation submitted by the petitioner.

Wherefore it is respectfully prayed that this Hon’ble Court may be pleased to issue a writ in the nature of Habeas Corpus to the opposite parties quashing the order of detention and directing that the Petitioner be set at liberty forthwith.

Date \_\_\_\_\_\_\_\_\_ Advocate for the Petitioner.