

**SUPREME COURT OF INDIA**

Sunil Kumar Das

Vs.

District Magistrate, Burdwan

Pent. No. 136 of 1963

(P. B. Gajendragadkar, K. Subba Rao, K. N. Wanchoo, N. Rajagopala Ayyangar and J. R. Mudholkar, JJ.)

11.09.1963

**JUDGEMENT**

**GAJENDRAGADKAR, J.:**

For the reasons which we have indicated in dealing with petition No. 145 of 1963, \* this petition must also be allowed, because the petitioner Sunil Kumar Das, like the petitioner Rameshwar Shaw in petition No. 145 of 1963,\* was locked up in custody on November 4, 1962 and continued in such custody until December 28, 1962. Whilst he was in such custody, the order of detention passed by the District Magistrate, Burdwan, on November 29, 1962, was served on him on December 4, 1962. It is common ground that the petitioner was arrested in connection with Burdwan Police Station Case No. 2 dated the 3rd November, 1962 under section 379 of the India Penal Code by Sub-Inspector Dinesh Chandra Samanta, and he continued to be in custody on the date when the order of detention was served on him. That being so, we direct that the order of detention passed against the petitioner by the District Magistrate, Burdwan, on November, 29, 1962 and served on him on December 4, 1962 is set aside and the petitioner Sunil Kumar Das is ordered to be released forthwith.

Order accordingly.

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