

Sri Mohit Chandra Saha

Vs.

The District Magistrate, 24 Parganas, Alipore, Calcutta-27 and Others

Writ Petition No. 381 of 1971

(J. M. Shelat, H. R. Khanna JJ)

21.01.1972

JUDGMENT

SHELAT, J. -

1. On January 11, 1971, the District Magistrate, 24 Parganas issued an order of detention against the petitioner under sub-section (1) of Section 3 read with sub-section (3) thereof of the West Bengal (Prevention of Violent Activities) Act (President Act 19 of 1970). In pursuance of that order the petitioner was arrested on January 14, 1971, and detained in Dum Dum Jail from where he filed the present petition for a writ of habeas corpus.

2. The grounds for detention furnished to the petitioner at the time of his arrest alleged : (1) that he and some of his associates, armed with daggers, swords and other lethal weapons, trespassed into the house of one Smt. Abha Sur and threatened her with dire consequences if she were to raise any objections to certain activities of the petitioner and his associates in her locality, (2) that on November 24, 1970, he and his associates, armed with acid bulbs, bombs and other lethal weapons, attacked Bani Vidyapithi, Chandpara injuring during that attack its night guard with an acid bulb on his raising an alarm, and (3) that on December 10, 1970, he and his associates once again attacked the said institution causing damage to its records, furniture and other properties by setting fire to them.

3. The petition reached hearing before us on January 11, 1972, when Mr. Lakhminarasu, appearing amicus curiae for the petitioner, challenged the validity of the said order of detention on a number of grounds. However, after arguments had ended, Mr. G. S. Chatterjee, appearing for the State, informed us that the State Government had revoked the said order of detention and had on January 12, 1972, released the petitioner. Even if the State Government had not passed the said order and released the petitioner, the order of detention would in any case have come to an end on January 14, 1972, since under Section 13 of the Act no detenu can be kept under detention for more than the maximum period of one year from the date of his detention.

4. Since the petitioner has, as aforesaid, been released, the questions raised on his behalf have become academic and the petition also has become infructuous. In this situation no useful purpose would be served by answering the points which have become academic. The only proper course to adopt, therefore, is to dismiss the petition on the ground that it has now become infructuous. Order accordingly.

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