

Sailesh Dutta Alias Katla

Vs

The State of West Bengal

Writ Petition No. 657 of 1972

(D. G. Palekar, P. N. Bhagwati, V. R. Krishna Iyer JJ)

26.02.1974

JUDGMENT

PALEKAR, J. -

1. In this petition for a writ of habeas corpus under Art. 32 of the Constitution the petitioner is detained by the District Magistrate, Howrah by an Order dated October 9, 1972 passed in exercise of the powers under sub-section (1) read with sub-section (2) of Section 3 of the Maintenance of Internal Security Act, 1971 (Act 26 of 1971). The order of detention was passed with a view to preventing the petitioner from acting in a manner prejudicial to the maintenance of supplies and services essential to the community.

2. The grounds served on the detenu are as follows :

1. On 27.7.72 at about 7.30 hrs. you along with your associate being armed with bombs, daggers, etc. committed theft of 10 metres of 12 core PVC cable from Down distant signal of Baranagar Rly. Stn. in between KM Post No. 5/16 to 5/17. Being resisted by the Rly. employees you and your associates scared them away by pelting stone and hurling bombs, and made good your escape with the stolen cables. As a result of this theft train services in Sealdah Dankuni Section was seriously disrupted.

2. On 8.8.72 at about 21.30 hrs. you along with associates being armed with bombs, daggers etc. committed theft of 25 feet of 12 Core PVC cable from KM Post No. 10/15 to 10/13 in between Ballyghat and Dankuni Rly. Station. The Railway employees tried to resist but you and your associates scared them away by pelting stones and hurling bombs and managed to escape with the stolen cables. As a result of this theft train services in Sealdah Dankuni Station was seriously disrupted.

3. The grounds show that the petitioner made it a business to cut Railway signal equipment with a view to disrupt train services. The cutting of the PVC cables of the signals is considered by the petitioner so essential for his objectives that he and his associates thought it necessary to be armed with bombs, daggers etc. to prevent any interference with their activities. If the facts are true, it was a very serious matter and the District Magistrate would be justifiably satisfied of the necessity of passing orders of detention to prevent the petitioner from indulging in such acts plainly prejudicial to the maintenance of supplies and services essential to the community.

3. We do not think that there is anything else to show that the detention was invalid. The petition is dismissed.

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