

Sudhir Chandra Singh

Vs

The Distt. Magistrate, Malda. and Others

Writ Petition No. 373 of 1974

(K. K. Mathew, P. N. Bhagwati, N. L. Untwalia JJ)

20.12.1974

JUDGMENT

UNTWALIA, J. -

1. In pursuance to an order made by the District Magistrate of Malda under sub-section (1) read with sub-section (2) of Section 3 of the Maintenance of Internal Security Act, 1971 the petitioner was arrested and detained in jail custody on or from June 6, 1972. He has preferred this application from jail for releasing him by grant of a writ of habeas corpus. The grounds of detention were served on the detenu and all formalities required under the law were gone into. The petitioner has been detained for committing certain dangerous acts as alleged in the grounds of detention on March 27, 1972 and on May 9, 1972. His acts were prejudicial to the maintenance of supplies and services essential to the community. No infirmity in his detention could be found out.

2. When this case came up for hearing on a previous occasion it had to be adjourned by a Bench of this Court because of two apparent infirmities :

(1) Though the order of detention purported to have been made on June 5, 1972 the date put by the District Magistrate in the order appeared to be April 5, 1972.

(2) There was discrepancy in the date of the second incident in the grounds served upon the petitioner and those appended with the counter-affidavit filed by the District Magistrate.

3. A supplementary affidavit sworn-in by the officer who had made the order of detention against the petitioner was filed when this case was again taken up for hearing. In this supplementary affidavit the deponent has stated that he had passed the order of detention on June 5, 1972. His way of writing "6" is somewhat peculiar and may appear to others like "4". On examination of the original records we are satisfied that the statement in the supplementary affidavit is correct and there was no discrepancy of the date in the order of detention as apparently it appeared to be.

4. In regard to the date about the second incident the officer states in his supplementary affidavit that it was a typing mistake. The date actually was "9.5.1972" and not "9.3.1972". On consideration of the entire facts and circumstances of the case we are not satisfied that the petitioner's detention is illegal or invalid. The grounds in support of the order of detention could lead to the subjective satisfaction of the detaining authority that the petitioner if let loose was likely to indulge in activities prejudicial to the maintenance of supplies and services essential to the community. The application is, therefore, dismissed.

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