

Daroga Rai

Vs

The State of West Bengal

Writ Petition No. 318 of 1974

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

20.12.1974

JUDGMENT

BHAGWATI, J. -

1. The petitioner challenges an order of detention made by the District Magistrate, 24-Parganas under sub-section (1) read with sub-section (2) of Section 3 of the Maintenance of Internal Security Act, 1971. The order of detention was made on August 17, 1972 and pursuant to the order of detention the petitioner was arrested on August 22, 1972. The grounds of detention served on the petitioner at the time of his arrest referred only to one incident which was in the following terms :

1. That on June 6, 1972, at 02.45 hrs. you and your associates being armed with weapons and ballast broke open wagon No. SB-23416 loaded with rice on line No. 4 at Sealdah Marshaling Yard. On being challenge by duty RPE patrol party you and your associates attacked them violently, when to save lives and Government properties RPE 6188 Nisith Ranjan Haldar fired 2 rounds in self-defence from his rifle and as a result your sustained injuries but you with your associates field away leaving two bags of rice at the P.O. You were subsequently arrested.

Your actions affected services and supplies there then.

The formalities required by the provisions of the Act were thereafter complied with within/the prescribed time limits and the order of detention was ultimately confirmed by the State Government.

2. The first contention urge don behalf of the petitioner against the validity of the order of detention was that the grounds of detention were not communicated to the petitioner as required by Section 8(1) of the Act, as the petitioner was illiterate and mere service of grounds of detention on him was not sufficient compliance with the requirement of the section. This contention stands completely answered by the supplementary affidavit filed by Shanti Ranjan Aich on behalf of the State Government. Shanti Ranjan Aich was at the material time Sub-Inspector of Police attached to the Sealdah Police Station and in the supplementary affidavit made by him he stated that on August 22, 1972, he served

a true copy of the detention and a true copy of the grounds of detention together with the vernacular translation thereof - after explaining the contents of the said order of detention and the grounds of detention to the detenu-petitioner in Hindi which is his mother tongue.

The record of the case produced before us on behalf of the State Government also showed the

endorsement made by Shanti Ranjan Aich recording inter alia the fact that the contents of the grounds of detention were explained to the petitioner in his mother tongue Hindi. There was, therefore, communication of the grounds of detention to the petitioner as required by Section 8(1) of the Act and this contention must be rejected.

3. The petitioner then contended that the grounds of detention supplied to him were vague inasmuch as they did not state the names of the associates who participates with the petitioner in the incident set out in the grounds of detention. But this contention is also futile. It is now well settled by the decision of this Court in *D. S. Roy v. State of W. B.* ((1972) 1 SCC 308 : 1972 SCC (Cri) 45) that merely because the names of the associates of the detenu have not been specified in the grounds of detention, they cannot be said to suffer from the vice of vagueness. Jaganmohan Reddy, J., speaking on behalf of the Court, pointed out : [SCC p. 316, SCC (Cri) p. 53]

Not only the dates and the time in each of the grounds have been mentioned but the acts of the petitioner have been specified in detail to enable him to make an effective representation. In our view it is not necessary for the petitioner to make an effective representation to specify all his associates because they may not have been known. The petitioner is being detained in respect of his acts and and if in association with others he has acted in a manner prejudicial to the maintenance of the public order, his detention cannot be said to be illegal.

This contention must also, therefore, fail and be rejected.

4. These were the only two contentions urged on behalf of the petitioner and since there is no substance in them, the petition fails and the rule is discharged.

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