

Kali Charan Mal

Vs

The State of West Bengal

Writ Petition No. 396 of 1974

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

20.12.1974

JUDGMENT

UNTWALIA, J. -

1. The petitioner in this petition filed from jail wants a writ of habeas corpus for his release on the ground that the order dated March 30, 1974 made against him by the District Magistrate of Malda in exercise of his powers under sub-section (1) read with sub-section (2) of Section 3 of the Maintenance of Internal Security Act, 1971 is illegal and invalid and consequently the petitioner's detention in jail custody is without any authority of law. In this case the formalities of detention were all completed under the law. No infirmity could be found or pointed out by the learned Counsel for the petitioner who assisted the Court, A. C. He, however, submitted that the grounds served on the petitioner in support of the detention order could only show that there was disturbance of law and order but not of public order. We do not think that there is any substance in the argument. The two incidents stated in the grounds are said to have taken place on March 16, 1974 at about 23 hours and March 20, 1974 at about 14.30 hours. The petitioner alongwith his associates is said to have gone to village Kamaldighi in the District of Malda, Police Station Malda, armed with bow and arrows, lathis, daggers, etc. They terrorised the people in the first incident so much so that they had to take shelter in nearby jungles. One Shri Naren Rajbanshi was brutally assaulted. The intention of the mob was to kill the members of the R.G. (Resistance Group). In the other incident he with the help of his associates terrorised the people in a village Hat. The grounds stated, therefore, in our opinion could reasonably lead to the subjective satisfaction of the detaining authority that the petitioner had been acting in a manner prejudicial to the maintenance of public order and if let loose was likely to indulge further in such activities. We do not find any justification in law to direct the release of the petitioner from his detention. The application fails and is dismissed.

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