

G. K. Ohab

Vs

State of West Bengal and Others

Writ Petition No. 407 of 1974

(K. K. Mathew, P. N. Bhagwati, N. L. UntwaliaJJ)

20.12.1974

JUDGMENT

MATHEW, J. -

1. The petitioner challenges the validity of an order of detention passed under sub-section (1) read with sub-section (2) of Section 3 of the Maintenance of Internal Security Act, 1971, on March 18, 1974 by the District Magistrate, Murshidabad.

2. The grounds of detention communicated to the detenu are :

That on December 7, 1972 at about 18.00 hrs. you carried weapons including unlicensed fire-arms, held secret meeting with your associate Kala Majhi of Bangla Desh and many others in the house of your associate Azimuddin Biswass at Bartanabad, P.S. Domkal and subsequently assembled in a jungle at Jitpore near Kalibari, participated in a dacoity in the house of Basi Charu Ullah Mandal at Radhakhatapore, P.S. Domkal at 23.00 hrs. assaulted inmates, fired several rounds from an unlicensed gun towards the approaching villagers and thereby disturbed the public order.

That on January 6, 1973 morning you carried bombs and unlicensed fire arms at the village Bartanabad, P. S. Domkal, inviting Kala Majhi and many unknown others from Bangala Desh, holding secret meeting at the house of your associate at the village, participating in a dacoity at 18.45 hrs. on the same day in the house of S. K. Golaz Murthuza at Palsa P. S. Nabagram assaulted inmates, fired several rounds towards the approaching villagers from an unlicensed gun and killing one of them, looted away cash, ornaments, etc. from the house and escaped to Bangla Desh via Bartanabad P. S. Domkal on the following morning and thereby disturbed the public order.

3. The only contention raised by Counsel for the petitioner as regards the validity of the detention order was that the first ground was vague inasmuch as it did not specify the duration of the secret meeting which the petitioner had with his associate Kala Majhi of Bangla Desh and many others in the house of his associate Azimuddin Biswass at Bartanabad in the ground, and that although it is stated in the ground that it was at about 18.00 hrs. on December 7, 1972 that the petitioner carried weapons including unlicensed fire-arms and his participation in the dacoity in the house of Basi Charu Ullah Mandal at Radhakhatapore was at 23.00 hrs., there was no mention in the ground that it was on the same day.

4. We do not think that there is any substance in the contention. The ground is reasonable specific and there can be no doubt that '23 hrs.' mentioned in the ground must be on the same day. Any reasonable person reading the ground would have no difficulty in understanding its content and

could make an effective representation on the basis of the details given therein.

5. No other ground was urged by Counsel; nor do we see any infirmity in the order of detention.

6. We dismiss the petition.

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