

Dilip Nayak

Vs

The District Magistrate, Burdwan and Others

Writ Petition No. 458 of 1974

(P. K. Goswami, K. K. Mathew JJ )

14.01.1975

JUDGMENT

MATHEW, J. -

1. The petitioner challenges 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, by the District Magistrate, Burdwan, on September 14, 1972 and prays for the issue of a writ of habeas corpus.

2. The grounds of detention stated :

On February 2, 1972 at about 01.30 hrs. you along with your associates (1) Hamid Khan, son of Shri Bajmir Khan of No. 2, Chaidhowrah, Sripur P. S. Jamuria, District Burdwan (2) Mohammad Abbas, son of Shri Ichaque Mian of Sripur Colliery, P. S. Jamuria, District Burdwan and others committed theft in respect of H.D.B. C. overhead electric copper-wire measuring about 210 feet from the electric poles in between quarter Nos. 838 and 129 at Traffic Colony, P. S. Asansol, District Burdwan. As a result of this theft, electricity supply in the whole of Traffic Colony area, P. S. Asansol, District Burdwan was disrupted for a few hours causing much inconvenience to the people of the locality.

On August 19, 1972 at about 03.30 hrs. you alone with your associates (1) Hamid Khan, son of Shri Bajmir Khan or No. 2, Chaidhowrah, Sripur P. S. Jamuria, District Burdwan, (2) Mohammad Abbas, son of Shri Ichaque Mian of Sripur Colliery P. S. Jamuria, District Burdwan and others committed theft in respect of overhead electric copper-wire (about 180 feet in length) from the electric poles in front of Block No. 126 at Traffic Colony, P. S. Asansol, District Burdwan and thereby disrupted supply of electricity in the whole of Traffic Colony area and its adjacent area for a few hours to the sufferings of the people of the locality.

3. In respect of the incidents mentioned on the grounds, two criminal cases were filed against the petitioner and his associates in the court of Sub-Divisional Magistrate, Asansol. The petitioner could not be arrested in connection with these cases as he was absconding. Since witnesses were unwilling to give evidence against the petitioner and his associates on account of their desperate character, the petitioner was discharged from the cases on the basis of police report to that effect.

4. Counsel for the petitioner submitted that from these two incidents it could not be inferred that the petitioner would in future indulge in similar activities which would prejudicially affect the maintenance of supplies and services essential to the community, and therefore, the detention of the petitioner was unjustified.

5. We do not think that there is any substance in this contention. The nature of the acts committed and the intention with which they were committed were sufficient to satisfy a reasonable mind that the petitioner, if let at large, would indulge in similar activities and thus prejudicially affect the maintenance of supplies and services essential to the community.

6. We see no merit in the petition and dismiss it.

</html