

Jagan Nath Biswas

Vs

The State of West Bengal

Writ Petition No. 24 of 1974

(V.R.Krishna Iyer, R.S.Sarkaria JJ )

20.01.1975

ORDER

KRISHNA IYER, J. -

1. The order of detention challenged before us is dated February 27, 1973. The subjective satisfaction of the District Magistrate of Nadia, who directed the detention, is based upon three criminal adventures of the petitioner dated November 8, 1971, December 9, 1971 and August 25, 1972.
2. The incidents themselves look rather serious but also stale, having regard to the long gap between the occurrences and the order of detention. One should have expected some proximity in time to provide a rational nexus between the incidents relied on and the satisfaction arrived at. This Court has repeatedly pointed out that unexplained and long delay will be fatal to the plea of subjective satisfaction. In the present case, counsel for the State, Shri G. S. Chatterjee, took time to furnish an explanation as to why there was such a long delay for the District Magistrate to pass the order of detention. Unfortunately, we are no wiser today than at the previous hearing. In short, we are not taken into confidence by the District Magistrate as to why there should have been such an inordinate delay. We, in turn, therefore, are not satisfied about the bonafides of the subjective satisfaction of the District Magistrate.
3. In the result, the order of detention must fail as illegal. The petition is allowed, the *rule nisi* is made absolute and the petitioner directed to be released forthwith.

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