

Moni Lal Roy Choudhury

Vs

State of West Bengal

Writ Petition No. 14 of 1975

(V. R. Krishna Iyer, N. L. Untawalia JJ)

31.03.1975

JUDGMENT

KRISHNA IYER, J. -

1. Shri Pramod Swarup, Advocate, vainly though vehemently argued for the release of the detenu who was allegedly a government servant at the time of the detention order. The order was passed on May 4, 1974 and the grounds of detention, in compliance with the statutory requirement, were communicated. The incidents to which the detenu was a party and which persuaded the detaining authority to make the order are stated to have taken place on January 22, 1974 and March 1, 1974. Obviously, the incidents are such as, if true, would have been sufficient for the subjective satisfaction of the District Magistrate concerned. But the plea put forward is that the detenu was a government servant and attending office on the alleged dates. Paragraph 7 of the counter-affidavit filed on behalf of the State explains, how, notwithstanding the entry of attendance in the office register, the detenu was involved in criminal incidents and eyewitness' evidence was available for the detaining authority in this behalf. It is not for us to investigate the alibi of the detenu. The jurisprudence of preventive detention ordinarily keeps this area out of bounds and out of the purview of this Court.

2. No other ground meriting consideration has been urged. We see no reason to disturb the order of detention. The Rule is vacated and the petition dismissed.

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