

Gopal Mondal

Vs

State of West Bengal

Writ Petition No. 23 of 1975

(N. L. Untawalia, Syed Fazal Ali JJ)

09.04.1975

ORDER

UNTWALIA, J. –

1. The petitioner has challenged his detention made against him by the District Magistrate, 24-Parganas under Section 3(1)(2) of the Maintenance of Internal Security Act, 1971. The order of detention was made on August 23, 1973. Grounds of detention were served on him and a report was made to the State Government by the District Magistrate on August 27, 1973. Other formalities under the law were complied with thereafter. Learned Counsel for the petitioner who assisted the Court as amicus curiae submitted two point : (1) that according to the statement of the petitioner in his petitioner sent from jail, the grounds of detention served on him in Bengali language were materially different from those written originally in English; and (2) that the District Magistrate reported the matter to the State Government on August 27, 1973, three days later and not 'forthwith' as required by Section 3(3) of the Act.

2. We do not find any substance in either of the points urged on behalf of the petitioner. In the counter affidavit it is stated that there was no different in the ground served on the petitioner and the grounds which were the basis of the order made by the District Magistrate. Further, the ground were explained to the detenu in his language.

3. The word "forthwith" has been interpreted to mean "as soon as possible; without any delay". If there is some delay which is reasonably explained, then there is no violation of the mandatory requirement of the law. In the counter it has been explained that as many as seven detention orders were made by the District Magistrate as August 23, 1973. Reports had to be typed in all those cases and they were typed on August 24 and 25. August 26 was a Sunday and therefore the report could not be sent earlier than 27th. We are satisfied that, on the facts stated in the counter, report was sent forthwith, as the apparent delay of three days has been satisfactorily explained.

4. We do not find any other infirmity in the detention of the petitioner. The application is therefore dismissed and the rule discharged

</html