

Narinder Singh Suri

Vs

Union of India and Others

Writ Petition (Criminal) No. 1514 of 1979

(Syed M. Fazal Ali, P. S. Kailasam, A. D. Koshal JJ)

01.02.1980

JUDGMENT

FAZAL ALI, J. -

1. This writ petition has been filed by Narinder Singh Suri against an order of his detention passed by the Deputy Secretary (Home), Delhi Administration, dated September 7, 1979. It is not necessary to go into any further detail because the petition must succeed on a short point. Mr. Sen appearing for the petitioner submitted that although the petitioner demanded copies of various documents on September 18, 1979 he was not provided with them until October 4, 1979. Mr. Aggarwal appearing for the Union submitted that the delay was due to the fact that a lot of photostat copies of the documents demanded by the petitioner had to be prepared which took some time and that even the petitioner did not seriously protest against this delay. Assuming that this delay is excusable, there is another ground to which the respondent has no answer. The representation by the petitioner was made to the detaining authority on October 5, 1979 and was received by the latter on October 10, 1979. According to the respondent the representation was rejected on October 30, 1979 though this fact was communicated to the detenu a few days later. Even so, the delay from October 10 to 29, 1979 remains wholly unexplained. In this view of the matter, the continued detention of the petitioner is clearly violative of Article 22(5) of the Constitution of India and, therefore, the petitioner is entitled to be released forthwith. Accordingly, we allow this petition and direct the detenu to be released forthwith unless he is in custody in some other case.

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