

Mehdi Mohamed Joudi

Vs

State of Maharashtra and Others

Criminal Writ Petition No. 6215 of 1980

06.01.1981

ORDER

This petition for habeas corpus has been filed by the cousin of the detenu for setting aside the order of detention of the detenu. It appears that the order of detention against the detenu was passed on 4-10-1980 and served on him on 13-11-1980 (sic 13-10-1980) when the detenu was taken into custody. On 6-11-1980 and 18-11-1980 some documents were served on the detenu. The final instalment of the documents and materials was served on the detenu on 21-11-1980. A representation was made by the detenu on 27-11-1980 which was rejected by the State Government on 30-12-1980. It is, therefore, clear that the order of detention suffers from two infirmities; first, that the documents and materials were not supplied pari passu the grounds of detention and secondly, that there is delay of more than a month in disposing of the representation which itself is fatal to the order of detention. For these reasons, therefore, the petition is allowed and the continued detention is held void. The detenu is directed to be released forthwith.

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