

Aidal Singh

Vs

State of Madhya Pradesh and Another

Criminal Appeal No. 619 of 1981

(O. Chinnappa Reddy, A.P. Sen, Baharul Islam JJ)

27.07.1981

### JUDGMENT

1. This is an appeal by a detenu detained under the National Security Act. His application for the issue of a writ of habeas corpus was rejected by the High Court of Madhya Pradesh, and hence this appeal.
2. The order of detention recites that the District Magistrate is satisfied that Aidan Singh should be detained "with an intention to protect him from commission of any act in contravention with maintenance of public security". Grounds of detention were served on the detenu. Certain incidents which appear to relate to law and order were mentioned therein and the detaining authority concluded the grounds with the statement "from the aforesaid facts it is clear that you are involved in such activities by which a terror and panic is created in the mind of general public which has caused a danger to law and order". A perusal of the order of detention and the grounds of detention reveals that the detaining authority has not applied its mind to the provision of Section 3 of the National Security Act which authorise detention of a person with a view to preventing him from acting in any manner prejudicial to the security of the State or from acting in any manner prejudicial to the maintenance of public order or from acting in any manner prejudicial to the maintenance of supplies and services essential to the community. Neither maintenance of public security nor maintenance of law and order can justify the detention of a person under Section 3(2) of the National Security Act.
3. In these circumstances, we are constrained to allow the appeal and direct the release of the detenu forthwith.

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