

A. Alangarasamy

Vs.

State of Tamil Nadu and Another

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State of Tamil Nadu

Writ Petition (Criminal) No. 691 of 1986 with Criminal Appeal No. 172 of 1987

(G. L. Oza, V. Khalid JJ)

13.04.1987

JUDGMENT

KHALID, J. -

1. Special leave granted. The petitioner in the writ petition and the appellant in the appeal are the same. Hence they are being disposed of by this common judgment.
2. The appeal is against the order dated August 8, 1986, passed by the High Court of Madras dismissing the writ petition filed by the petitioner challenging the order of detention passed against him under Section (3)(i) of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974. The writ petition under Article 32 seeks to challenge the order of detention separately.
3. The learned counsel for the petitioner raises two questions before us. (1) There is variation between Tamil and English version of the grounds of detention served on the petitioner. According to him the order of detention in English states that the detention order has been passed to prevent the detenu from indulging in smuggling activities, while the grounds furnished to him in Tamil discloses that the detention order has been passed with a view to prevent him from transporting contraband goods. The English version would bring the ground under Section 3(1)(iii). The detenu knows only Tamil. The difference in this version has caused prejudice to him in making a proper representation. (2) The detaining authority did not dispatch all the materials before it to the Advisory Board for the Advisory Board to come to an independent conclusion on the grounds of detention and the need for the detention.
4. The learned Judges who know Tamil well have considered the submissions made on the difference in the two versions. Reference was made to 'Law Lexicon' issued by the Government of Tamil Nadu. After considering the meaning of the words used in English version and Tamil version, the High Court held that the submissions based on this ground were insufficient to quash the order of detention. Since no other contention was advanced before the High Court, the writ petition was dismissed.

5. We have considered the matter ourselves. We are also not impressed with this submission. The alleged difference between the versions is not consequential. The order of detention and grounds accompanied clearly spelt to hold that the two versions are so different as to cause any prejudice to the detenu. We, therefore, agree with the High Court and dismiss the appeal.

6. The only other point argued before us by the learned counsel for the petitioner is that all the material available with the detaining authorities were not dispatched to the Advisory Board nor to the Central Government. After perusing the counter-affidavit filed by the respondent we find that necessary materials has been dispatched. The petitioner cannot succeed on the plea that non-dispatch of materials has been made the order of detention bad. In fact, the petitioner has not clearly averred as to what are the materials which has in mind when he pleaded this case. We are not satisfied that the petitioner has made out a case for any relief in the writ petition either. The writ petition is accordingly dismissed.

7. In the result, both the appeal and the writ petition are dismissed.

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