

Alocious Fernandez

Vs

Union of India and Others

Writ Petition (Criminal) No. 107 of 1990

(K. Jayachanra Reddy, S. Ratnavel Pandian JJ)

20.04.1990

JUDGMENT

S. RATNAVEL PANDIAN, J. -

1. This writ petition is filed by the detenu, Alocious Fernandez from the jail challenging the order of his detention date May 17, 1989 passed by the Union of India under Section 3(1) of the Conservation of Foreign Exchange and Prevention of Sumgglng Activities Act, 1974 with a view to preventing him from sumgglng goods. The grounds of detention served on the detenu give the full particulars of the involvement of the detenu in the smuggling activities. Hence, it is not necessary to reiterate the entire facts leading to the passing of the impugned order.

2. The petitioner was defended by Mr. Jag Mohan Khanna, an advocate of this bar at the instance of the Supreme Court Legal Aid Committee. The learned counsel challenged the order of detention contending that the detenu was in jail pursuant to the order of remand in the criminal case instituted against him in connection with this incident and that there was no material before the detaining authority that the detenu was likely to be released on bail and as such, the order is liable to be quashed on the ground of non-application of mind. We see no substance in this connection. In fact, even in the grounds of detention, the detaining authority has clearly mentioned that the High Court had granted conditional bail, but the detenu had not availed of it and his subsequent application for modification of the condition attached to the bail order was dismissed.

3. We have also gone through the other contentions made by the petitioner in his writ petition, but we see no force in any one of them. In the result, the writ petition is dismissed.

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