

SUPREME COURT OF INDIA

Chakravarthy

Vs.

State of Tamil Nadu

Crl.A.No.862 of 2004

(H. K. Sema and Prakash Prabhakar Naolekar JJ.)

27.09.2005

JUDGEMENT

H. K. Sema, J.

1. We have heard learned counsel for the parties.
2. This appeal is directed against the judgment and order of the High Court dismissing the writ petition.
3. The detenu challenged the order of the detention passed on 17th March, 2003. The period of detention is for 12 months. Technically speaking, the matter has become infructuous as the period for which the detenu has been detained has now expired. Despite of this fact that the counsel for the appellant insisted that we should consider the case on merit. His grievance is that there is no proper explanation of delay for the period from 5-5-2003 to 11-5-2003. The representation admittedly was filed on 24th April, 2003. It was processed at various levels and ultimately, the representation was rejected on 22nd May, 2003. The period of delay from 5th May to 11th May has been explained by the respondent in its counter. It is stated that the Detaining Authority called for remarks from respondent (Sponsoring) Authority on 5th May, 2003. 10th and 11th May, 2003 were holidays. The remarks of the Sponsoring Authority were sent to the Detaining Authority on 12th May, 2003. Then the Detaining Authority sent remarks to the Government on 13th May, 2003. 15th May was holiday on account of Milad-Un-Nabi. Thereafter, remarks were received by the Government on 16th May, 2003. 17th and 18th May were holidays, being Saturday and Sunday. The file was submitted on 19th May, 2003. The Secretary examined the file on 21st May, 2003. The Minister for Prohibition and Excise examined the matter on the same day i.e. on 21-5-2003. Representation was rejected on 22-5-2003. It is well-settled principle of law that the delay means an unexplained delay. In our view the delay of six days has been well explained.
4. There is no merit in this appeal, which is accordingly dismissed.
Appeal dismissed.