

Bhola Bhuiya vs The State Of West Bengal on 3 October, 1974

Equivalent citations: AIR1974SC2122, 1974CRILJ1462, (1975)3SCC253, AIR 1974 SUPREME COURT 2122, 1975 3 SCC 253 1974 SCC(CRI) 871, 1974 SCC(CRI) 871

Author: Y.V. Chandrachud

Bench: R.S. Sarkaria, Y.V. Chandrachud

JUDGMENT

Y.V. Chandrachud, J.

1. The petitioner was detained by an order dated January 14, 1972 passed by the District Magistrate, Burdwan, under the Maintenance of Internal Security Act. 1971. The order purports to have been passed in order to prevent the petitioner from acting in any manner prejudicial to the maintenance of supplies and service essential to the community.
2. Learned Counsel appearing on behalf of the petitioner contends in this habeas corpus petition that the petitioner is an illiterate person and since the grounds of detention were not explained to him in his own language he was denied an opportunity, to make an effective representation against the order of detention. On the last occasion when this matter had come up for hearing the Court had asked the respondent, the State of West Bengal, to make an affidavit on the question whether the grounds furnished to the petitioner were explained to him in a language which he could understand. Accordingly, as affidavit has been filed by Mr. S. K. Saha, the Police Inspector, who served the detention order and the grounds on the petitioner. That affidavit shows that the grounds of detention were explained to the petitioner in Hindi which is the language that the petitioner understands. There is therefore no substance in the contention that the order of detention is vitiated on account of noncompliance with the provisions of Article 22(5) of the Constitution.
3. Accordingly, we confirm the order and discharge the Rule.