

# **Teka Bahadur vs The State Of West Bengal on 20 December, 1974**

**Equivalent citations: AIR1975SC1000, (1975)3SCC856, 1975(7)UJ122(SC), AIR 1975 SUPREME COURT 1000, 1975 3 SCC 856, 1975 SCC(CRI) 275, 1975 PATLJR 274, 1975 SCC(CRI) 239**

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**Bench: K.K. Mathew, N.L. Untwalia, P.N. Bhagwati**

## **JUDGMENT**

P.N. Bhagwati, J.

1. The District Magistrate, Burdwan by an order dated 9th February, 1972 made under Sub-section (1) read with Sub-section (2) of Section 3 of the Maintenance of Internal Security Act, 1971 directed that the petitioner be detained on the ground that with a view to preventing him from acting in a manner prejudicial to the maintenance of supplies and services essential to the community it was necessary to detain him. The grounds of detention served on the petitioner at the time of his arrest were in the following terms :

1. That on 6-1-72 at about 03.30 hrs. you along with your associates including (1) Sankar Bouri, son of Shri Gopal Bouri of Roypara, Bundha P.S. Asansol. Dist. Burdwan, (2) Ganeshdas, son of Shri Choto Das of Gour Mandal Road. P S. Asansol Dist Burdwan committed theft in respect of electric copper wire (about 1500 feet in length) at Hatgarui, near Sen Releigh Water Pump, P S. Asansol, District Burdwan. As a result of this theft, water supply as well as electric supply in Sen Releigh Housing Colony, P.S. Asansol, District Burdwan was totally disrupted for about 8 hours to the sufferings of the people of the locality.

2. That on 12-1-72 at about 04.00 hrs. you along with associates including (1) Sankar Bouri, son of Shri Gopal Bouri of Roypara, Bundha. P. S Asansol, Din Bardwan, (2) Ganesh Das son of Ghotodas of Gour Mandal Road, P S Asansol, Dist. Burdwan committed theft in respect of electric copper wire (about 3000 feet in length) from the electric poles at 'C' Block of S??n Releigh Housing Estate, P.S Asansol, District Burdwan. When challenged by the inhabitants of the area, you and your associates hurled bombs towards them. By your Act, electric supply in 'C' Block area, Sen Releigh Housing Estate and its adjoining area was totally disrupted for more than 12 hours causing much inconvenience to the people of the locality.

2. The petitioner contended that the order of detention was made by the District Magistrate without applying his mind since in respect of the two incidents mentioned in the grounds of detention three persons were implicated, namely, the petitioner Sankar Bouri and Ganesh Das, while in the grounds of detention supplied to one Mohd. Subrati, who was also directed to be detained by the District Magistrate on the same day on the basis of the same two incidents the name of Sanker Bouri was omitted and the name of Mohd. Subrati was added to the names of the persons alleged to have participated in the two incidents. The argument of the petitioner was that in respect of the same two incidents there could not be one set of persons responsible in one case and another set of persons responsible in the other. This according to the petitioner showed that the District Magistrate had mechanically signed the order of detention without applying his mind to the facts of the case before him.

3. We do not think this contention of the petitioner has any force. The grounds of detention furnished to the petitioner in the present case alleged, in respect of both the incidents, that the persons responsible were the petitioner and his associates including Sankar Bouri and Ganesh Das. Sankar Bouri and Ganesh Das were not the only associates of the petitioner who were supposed to have participated in the two incidents. There were also others. These others could well have included Mohd. Subrati. Similarly, the grounds of detention in the case of Mohd. Subrati alleged the participation of Mohd. Subrati & his associates including the petitioner and Ganesh Das in respect of both the incidents. Here also the petitioner and Ganesh Das were not the only associates implicated in the two incidents. There were other associates also and they could well have included Sankar Bouri. There was, therefore, no inconsistency between the grounds of detention in the two cases which might warrant an inference that the District Magistrate had not applied his mind to the cases of the petitioner but mechanically signed the order of detention.

4. This was the only contention urged on behalf of the petitioner indeed no other contention was available to him and since there is no substance in it, the petition fails and the rule is discharged.