

Mehdi Mohamed Joudi vs State Of Maharashtra And Ors. on 6 January, 1981

Equivalent citations: AIR1981SC1752, 1981CRILJ1282A, (1981)2SCC358, AIR 1981 SUPREME COURT 1752, 1981 CRI LJ 1282(2) 1981 CRILR(SC MAH GUJ) 519, 1981 CRILR(SC MAH GUJ) 519

Bench: A. Varadarajan, S. Murtaza Fazal Ali

ORDER

1. This petition for habeas corpus has been filed by the cousin of the detenu for setting aside the order of detention of the detenu. It appears that the order of detention against the detenu was passed on 4-10-1980 and served on him on 1-11-1980 when the detenu was taken into custody. On 6-11-1980 and 18-11-1980 some documents were served on the detenu. The final instalment of the documents and materials was served on the detenu on 21-11-1980. A representation was made by the detenu on 27-11-1980 which was rejected by the State Govt, on 30-12-1980. It is, therefore, clear that the order of detention suffers from two infirmities, first, that the document' and materials were not supplied par passu the grounds of detention and secondly, that there is delay of more than a month in disposing of the representation which itself is fatal to the order of detention. For these reasons, therefore, the petition is allowed and the continued detention is held void. The detenu is directed to be released forthwith.