

Sunil Kumar Das vs District Magistrate, Burdwan And Anr. on 11 September, 1963

Equivalent citations: AIR1964SC349, AIR 1964 SUPREME COURT 349, 1964 SCD 380

Author: P.B. Gajendragadkar

Bench: P.B. Gajendragadkar, K. Subba Rao, K.N. Wanchoo, N. Rajagopala Ayyangar, J.R. Mudholkar

JUDGMENT

P.B. Gajendragadkar, J.

1. For the reasons which we have indicated in dealing with petition No. 145 of 1963, this, petition must also be allowed, because the petitioner Sunil Kumar Das, like the petitioner Rameshwar Shaw in petition No. 145 of 1963, was locked up in custody on November 4, 1962 and continued in such custody until December 28, 1962. Whilst he was in such custody, the order of detention passed by the District Magistrate, Burdwan, on November 29, 1962, was served on him on December 4, 1962. It is common ground that the petitioner was arrested in connection with Burdwan Police Station Case No. 2 dated the 3rd November, 1962 under section 379 of the Indian Penal Code by Sub-Inspector Dinesh Chandra Samanta, and he continued to be in custody on the date when the order of detention was served on him. That being so, we direct that the order of against the petitioner by the District Magistrate, Burdwan, on November, 29, 1962 and served on him on December 4, 1962 is set aside and the petitioner Sunil Kumar Das is ordered to be released forthwith.