

Virendra Singh vs State Of Maharashtra on 6 January, 1981

Equivalent citations: AIR1981SC1909, (1981)4SCC562, AIR 1981 SUPREME COURT 1909, 1981 (4) SCC 562 1981 CRI LJ 1283(2), 1981 CRI LJ 1283(2), 1981 CRI LJ 1283(2) 1981 (4) SCC 562, 1981 (4) SCC 562

Bench: A. Varadarajan, S. Murtaza Fazal Ali

ORDER

1. This petition has been filed by the son-in-law of the detenu praying that the detenu may be released as the constitutional safeguards contained in Article 22(5) of the Constitution have not been complied with. Admittedly, the order of detention was passed on 9-10-1980 and the grounds were supplied to the detenu on 1-11-1980 when he was arrested but without the documents and materials which were supplied on 5-11-1980. The detenu made a representation on 13-11-1980 which was disposed of on 13-12-1980. In this case as the documents and the materials forming the basis of the order of detention had not been supplied to the detenu along with the order of detention when the same was served on him, the order is rendered void as held by this Court in Smt. Ichhu Devi Choraria v. Union of India and in Smt. Shalini Soni v. Union of India . Moreover, the order of detention suffers from another infirmity, namely, that the representation made by the detenu was disposed of by the detaining authority more than a month after the representation was sent to it. No reasonable explanation for this delay has been given which violates the constitutional safeguards enshrined under Article 22(5) and makes the continued detention of the detenu void. For these reasons, therefore, . we allow this petition and direct the detenu to be released forthwith.