

Mehrunissa vs State Of Maharashtra on 17 February, 1981

Equivalent citations: AIR1981SC1861, 1981CRILJ1283, (1981)2SCC709, AIR 1981 SUPREME COURT 1861, 1981 CRI LJ 1283(1), 1981 SCC(CRI) 592, 1981 (2) SCC 709

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Bench: Baharul Islam, O. Chinnappa Reddy

JUDGMENT

O. Chinnappa Reddy, J.

1. The principal submission made by Miss Rani Jethamalani, learned Counsel for the petitioner, in this application for the issue of writ of habeas corpus is that copies of material documents referred to in the grounds of detention were not supplied to the detenu and he was thus prevented from making an effective representation. The documents about which the complaint is made are the Panchnama dated 15-1-80 said to have been recorded at the time of the seizure of the silver and the statement said to have been made by the detenu in the enquiry under Section 108 of the Customs Act on 15-1-80. Miss Jethamalani relied upon the decisions of this Court in *Ichhu Devi v. Union of India* (1980) AIR 1980 and *Smt. Shalini Soni v. Union of India* (1980) AIR 1981. No counter has been filed on behalf of the State of Maharashtra, but Shri O.P. Rana, learned Counsel for the State of Maharashtra urged that the copies of the documents were not supplied to the detenu as the detenu was already aware of the contents of the documents. That is hardly an answer to the submission made on behalf of the detenu. The detenu was entitled to be supplied with copies of all material documents instead of having to rely upon his memory in regard to the contents of the documents. The failure of the detaining authority to supply copies of such documents vitiated the detention, as has been held by this Court in the two cases cited by counsel. The detenu is, therefore, entitled to be released. He is accordingly directed to be released forthwith. The petition is allowed,