

Supreme Court of India

Gopal Mondal vs State Of West Bengal on 9 April, 1975

Equivalent citations: AIR 1975 SC 1807, 1975 CriLJ 1554, (1975) 2 SCC 590

Author: N Untwalia

Bench: N Untwalia, S M Ali

ORDER N.L. Untwalia, J.

1. The petitioner has challenged his detention made against him by the District Magistrate, 24 Parganas under Section 3(1)(2) of the Maintenance of Internal Security Act, 1971. The Order of detention was made on August 23, 1973. The petitioner was arrested on 24th August, 1973. Grounds of detention were served on him and a report was made to the State Government by the District Magistrate on August 27, 1973. Other formalities under the law were complied with thereafter. Learned Counsel for the petitioner who assisted the Court as amicus curiae submitted two points: (i) that according to the statement of the petitioner in his petition sent from jail, the grounds of detention served on him in Bengali language were materially different from those written originally in English; and (ii) that the District Magistrate reported the matter to the State Government on August 27, 1973, three days later and not 'forthwith as required by Section 3(3) of the Act 2.

2. We do not find any substance in either of the points urged on behalf of the petitioner. In the Counter affidavit it is stated that there was not difference in the grounds served on the petitioner and the grounds which were the basis of the Order made by the District Magistrate. Further, the grounds were explained to the detenu in his language.

3. The word 'forthwith' has been interpreted to mean "as soon as possible; without any delay." If there is some delay which is reasonably explained, then there is no violation of the mandatory requirement of the law. In the counter it has been explained that as many as seven detention Orders were made by the District Magistrate on 23rd August, 1973. Reports had to be typed in all those cases and they were typed on 24th and 25th August. 26th August was a Sunday and therefore the report could not be sent earlier than 27th. We are satisfied that, on the facts stated in the counter, the report was sent forthwith, as the apparent delay of three days has been satisfactorily explained.

4. We do not find any other infirmity in the detention of the petitioner. The application is therefore dismissed and the rule discharged.