

Supreme Court of India

Union Of India vs Shantaram Gajanan Kanekar on 16 November, 1993

Equivalent citations: 1994 SCC, Supl. (2) 571

Author: A Anand

Bench: Anand, A.S. (J)

PETITIONER:

UNION OF INDIA

Vs.

RESPONDENT:

SHANTARAM GAJANAN KANEKAR

DATE OF JUDGMENT 16/11/1993

BENCH:

ANAND, A.S. (J)

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ANAND, A.S. (J)

SINGH N.P. (J)

CITATION:

1994 SCC Supl. (2) 571

ACT:

HEADNOTE:

JUDGMENT:

ORDER

1. Leave granted.

2. The respondent was served with an order of detention made under Section 3(1) of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (hereinafter 'the Act'). The detenu, it is not disputed did not know English and was conversant with Marathi language only. Marathi version of the grounds of detention was furnished to the detenu. The respondent was also served with a copy of the declaration made under Section 9(1) of the Act together with the Marathi version of the declaration. The detenu questioned the order of detention as also the declaration issued under Section 9(1) of the Act on various grounds. The principal objection raised on behalf of the detenu before the High Court was that the Marathi version of the declaration under Section 9(1) of the Act did not tally with its counterpart in English and due to that defect, the detenu was prevented from making an effective representation under Article 22(5) of the Constitution. The

High Court, on facts, found that the two versions of the declaration did not tally with each other. The High Court found that the translated version of the declaration under Section 9(1) of the Act was defective and opined that it was not possible for the detenu to make an effective representation. The order of detention was, therefore, quashed.

3. In the facts and circumstances of the case, the view taken by the High Court is unexceptionable and we do not find any reason to interfere. The appeal is dismissed.