

Supreme Court of India

Dharua Kanu vs State Of West Bengal on 14 January, 1975

Equivalent citations: AIR 1975 SC 571, 1975 CriLJ 459, (1975) 3 SCC 527, 1975 (7) UJ 181 SC

Author: K Mathew

Bench: K Mathew, P Bhagwati

JUDGMENT K.K. Mathew, J.

1. The petitioner challenges the validity of an order of detention passed under Sub-section (1) read with Sub-section (2) of Section 3 of the Maintenance of Intern 1 Security Act, 1971 by the District Magistrate, Nadia on 15-3-1973. In pursuance to the Order, the petitioner was detained on 19-3-1973. The grounds of detention were communicated to the detenu. The petitioner sent a representation and that was received by the State Government on 30-3-1973. The State Government placed the case of the detenu before the Advisory Board on 31-3-1973. The representation of the petitioner was considered by the Government and it was rejected on 4-4-1973 but the same was forwarded to the Advisory Board. The Advisory Board submitted its report stating that there was sufficient cause for detention of the petitioner on 10-5-1973. The detention order was confirmed by Government on 15-5-1973.

2. The ground of detention stated:

That on 24-1-1973 night between 01-00 hrs. to 02-00 hrs. you along with your associates committed theft of pairs of fish plates from the running track at KM post No. 47/1, 47/3, 47/5 in between Kalyani R S and Kanchrapara R S and as a result train services were disrupted for a considerable period affecting supplies and services"

"You have thus acted in a manner prejudicial to the maintenance of supplies and services essential to the community.

3. There can be no doubt that removing of fish plates from the running track and disrupting service for a considerable period would affect the maintenance of supplies and services essential to the community. It cannot be said that the satisfaction of the detaining authority on the basis of this single occurrence that if the petitioner were to be let at large he would indulge in similar activities in future and thus act in a manner prejudicial to the maintenance of supplies and services essential to the community was not based on adequate materials.

4. We also do not think that there is any merit in the contention of the counsel for the petitioner that the State Government went wrong in forwarding the representation to the Advisory Board after rejecting it. In law, the State Government was bound to consider the representation before forwarding it to the Advisory Board. It may be recalled that the State Government rejected the representation on 4-4-1973 and the same was forwarded to the Board. And it was after considering the representation that the Board made the report. We see no circumstances vitiating the order of detention.

5. We dismiss the petition.