

Supreme Court of India

Joydeb Mittra vs State Of West Bengal on 10 July, 1972

Equivalent citations: AIR 1973 SC 912, 1973 CriLJ 901, (1972) 4 SCC 155, 1973 (5) UJ 160 SC

Author: Mathew

Bench: K Mathew

JUDGMENT Mathew, J.

1. The petitioner challenges the validity of an order of detention and prays for the issue of a writ or order in the nature of habeas corpus and for releasing him from custody.

2. The order of detention was passed by the District Magistrate, Burdwan, West Bengal, on November 23, 1971, in the exercise of his powers under Sub-section (1) read with Sub-section (2) of Section 3 of the Maintenance of Internal Security Act, 1971 (No. 26 of 1971) and the petitioner was arrested on December 11, 1971 in pursuance thereof. The order of detention together with the ground thereof was served on him on the same day. On November 23, 1971, the District Magistrate reported to the State Government about the passing of the order of detention. The report was considered by the State Government and on December 1, 1971, the order of detention was approved by the State Government and on the same day the State Government submitted a report to the Central Government in accordance with the provisions of Sub-section (4) of Section 3 of the Act together with the grounds of detention and the other particulars. On January 8, 1972, the State Government placed the case of the petitioner before the Advisory Board under Section 10 of the Act. On or about January 3, 1972, the State Government in its Home Department (Special Section) received a representation from the petitioner. The representation was considered by the State Government and by its order dated January 8, 1972, the representation was rejected but the Government forwarded the representation to the Advisory Board for consideration. The Advisory Board, after consideration of the materials placed before it and the representation, submitted its report to the State Government on February 7, 1972. The Advisory Board was of the opinion that there was sufficient cause for detention of the petitioner. By an order dated March 3, 1972, the State Government confirmed the order of detention and communicated that order to the petitioner by its Memo dated March 3, 1972.

The ground of detention stated :

On 19-8-1971 at 15.30 hrs. You with your associates viz. Narayan Pal and Subal Majhi of Burdwan town raided the shop of one Aditya Samanta of Tentultalla Bazar and committed there of Rs. 512.00 by brandishing swords and daggers. By such act of yours in broad day light the people were terrorised, so much so that they closed their shops and could not follow their normal avocation of life. This adversely affected even tempo of life of the people in the locality.

3. Counsel for the petitioner contended that the ground did not disclose that the petitioner indulged in any activity which was calculated or likely to cause disturbance of public order. The act of the petitioner and his associates was calculated to cause and, in fact, caused panic in the Bazar all the neighbouring shop owners closed their shops. The act of the petitioner affected the even tempo of life of the people in the locality. I do not, therefore, think there is any merit in the contention. The

procedure enjoined by the Act has been strictly complied with and there is no reason to hold that the detention of the petitioner is in any way illegal. I dismiss the petition.