
(1974) 12 SC CK 0007

In the Supreme Court Of India

Case No : Writ Petition No. 357 of 1974

Esharuddin @ Esharu Md.

APPELLANT

Vs

The District Magistrate, West Dinajpur and Others

RESPONDENT

Date of Decision : 19-12-1974

Acts Referred:

Maintenance of Internal Security Act, 1971 — Section 3(3)

Citation : AIR 1975 SC 1164 : (1975) CriLJ 938 : (1975) 3 SCC 553 : (1975) 7 UJ 99

Hon'ble Judges : P. N. Bhagwati, J;N. L. Untwalia, J;K. K. Mathew, J

Bench : Full Bench

Advocate : D. Goburdhan, Amicus Curia, for the Appellant; D.N. Mukherjee and G.S. Chatterjee, for the Respondent

Final Decision : Dismissed

Judgement

K.K. Mathew, J.—The petitioner challenges the validity of an order of detention passed on 7-6-1973 under the provisions of Sub-section (3) of Section 3 of the Maintenance of Internal Security Act, 1971. In pursuance to the order, the petitioner was detained on 18-6-1973. The grounds of detention communicated to the detenu stated that he along with others committed dacoity on 1-3-1973 and 6-3-1973, that it had created panic among the villagers and that if he was let at large he would be a menace to public order. He filed a representation on 5-7-1973. That was rejected by the Government. The representation was thereafter sent to the Advisory Board. The Advisory Board reported that there was sufficient cause for detention and the State Government confirmed the order of detention.

2. The only ground urged by counsel for the petitioner was that the representation of the detenu was not forwarded to the Advisory Board or considered by it and, therefore, the detention of the petitioner was bad.

3. We do not think there is any merit in this contention. Although, in the affidavit

in opposition, it was not stated that the representation of the detenu was sent to the Advisory Board, it is clear that the representation was actually considered by the Board. We have had the benefit of seeing the report of the Advisory Board and we are satisfied that the representation of the detenu was before the Advisory Board and that it was considered by the Board before making its report.

4. We dismiss the petition.