
(1984) 09 P&H CK 0034

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 335 of 1984

Shanta Tangri

APPELLANT

Vs

State of Punjab and ors.

RESPONDENT

Date of Decision : 18-09-1984

Acts Referred:

Citation : (1985) 1 AICLR 413

Hon'ble Judges : J.M.Tandon, J

Advocate : S. D. Brar, V. Ram Sarup, Advocates for appearing Parties

Judgement

J.M. Tandon, J.

1. Jagdish Tangri, husband of Smt. Shanta Tangri Petitioner, has been detained under section 3(2) read with section 3(3) of the National Security Act, 1980, by the District Magistrate, Ludhiana, vide order dated 16.6.1984 (P. 3). The detenu has been supplied to grounds of his detention dated 16.6.1984 (P.3/A). Smt Shanta Tangri petitioner has assailed the detention of her husband in the present criminal writ petition.

2. The relevant part of the detention order P. 3 reads.

"Whereas I, K. R. Lakhanpal, IAS, District Magistrate. Ludhiana, am satisfied in respect of Shri Jagdish Lal Tangri son of Sh. Hari Chand r/o Nau Ghara, Division No. 4, Ludhiana, that with a view to prevent him from acting in any manner prejudicial to the maintenance of public order, it is necessary to detain him though he is now in custody in case FIR No 225 dated 13.6.1984 u/s 25/54/59 Arms Act. P.S. Div. No. 3, Jalandhar. Now therefore, in exercises of the powers conferred upon by section 3(2) read with section 3(3) of the National Security Act. 1980, I, K. R. Lakhanpal IAS, District Magistrate, Ludhiana, hereby order directing that Shri Jagdish Lal Tangri be detained in the Central Jail, Jalandhar."

3. The only point argued by the learned counsel for the petitioner is that the detenu was provided with the grounds of detention in Punjabi and English

translation thereof along with supporting material forming base of the grounds of his detention. The detenu is neither conversant with English nor with Punjabi script. He can read and write Hindi. He has not been supplied the grounds of detention and the supporting material in Hindi script. He has thus been denied an opportunity to make an effective representation in terms of section 8 of the National Security Act and Article 22(5) of the Constitution. The detention of the detenu is liable to be set aside on this ground. The contention is without merit.

4. The detenu is admittedly a Panjabi. It is, therefore, not denied that he understands Panjabi. The official language in Punjab is Punjabi and it is written in Panjabi script. The detenu was supplied the grounds of detention and the supporting material in Panjabi and English. The statement of the detenu was recorded by the Superintendent of the Central Jail, Jalandhar, on 22.6.1984 when he was supplied the grounds of detention and the supporting material. The detenu signed this statement in English. His statement reads

"I, Jagdish Lal Tangri son of Sh. Hari Chand R/O Nau Ghara, Division No. 4, Ludhiana, certify that I have received the grounds of detention in Panjabi and English translation thereof alongwith supporting material forming base of the grounds of the detention on 22.6.84. These have been explained to me which I have fully understood"

5. The Superintendent of the Central Jail, Jalandhar, recorded the following note after the statement of the detenu:

"I, Surjit Singh P. P. S. Superintendent Central Jail, Jalandhar, do hereby certify that I have personally supplied the grounds of detention in Panjabi and English translation thereof alongwith supporting material forming base of the grounds, of detention to Sh. Jagdish Lal Tangri son of Sh. Hari Chand RIO Nau Ghara, Div. No. 4. Ludhiana, on 22.6.84. I further certify that the contents of the grounds of detention of above said Sh. Jagdish Lal Tangri were explained to him in his language which he fully understood"

6. The Superintendent Central Jail, Jalandhar, has placed his affidavit on the file wherein the averment made is that the grounds of detention along with supporting were supplied to the detenu on 22.6.84. The grounds of detention were explained to the detenu in his own language which he fully understood and he gave a certificate to that effect under his signatures.

7. In view of the affidavit of the Superintendent, Central Jail, Jalandhar, as also the statement of the detenu recorded on 22.6.1984 it is fully established that the detenu understood the grounds of his detention as also the supporting material supplied to him. It is significant that at no stage the detenu made a complaint that the documents supplied to him in Panjabi and English had not been understood nor did he demand a Hindi translation thereof. The grievance made by the petitioner in the petition on this point is misplaced.

8. No other point has been argued.

9. In the result, the Criminal writ application fails and is dismissed.