
(1997) 05 SC CK 0094

In the Supreme Court Of India

Case No : Criminal Appeal No. 548 Of 1997

State of Maharashtra

APPELLANT

Vs

Umrani Swaminathan Laxman

RESPONDENT

Date of Decision : 06-05-1997

Acts Referred:

Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 —
Section 3(1)

Citation : (1999) 153 CTR 209 : (1998) 234 ITR 412 : (1999) 9 SCC 49

Hon'ble Judges : M. K. Mukherjee, J;K. T. Thomas, J

Bench : Division Bench

Final Decision : Allowed

Judgement

M.K. Mukharji and; K.T. Thomas, JJ.-Leave granted. Heard the learned counsel for the parties.

2. Pursuant to an order of detention dated 10-5-1995, made by the Principal Secretary to the Government of Maharashtra in exercise of his powers under Section 3(1) of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, Swaminathan Laxman, the husband of the respondent, was detained with a view to preventing him from engaging in illicit traffic in psychotropic substances. Assailing the said order the respondent moved the High Court by filing a writ petition. Though a number of contentions were raised on behalf of the respondent in support of the petition, the High Court quashed the order on the ground that no satisfaction was recorded therein that the detenu was likely to indulge in prejudicial activities in future also unless he was preventively detained The above order of the High Court is under challenge in the appeal at the instance of the State of Maharashtra.

3. In our considered view the High Court was not at all justified in quashing the order on the above ground. According to the new Shorter Oxford English Dictionary "prevent" means to act before, in anticipation of, or in preparation for (a future event, a point in time). The other meanings are to stop, hinder and

avoid; make impracticable or impossible, by anticipatory action; stop from happening. In the order of detention it has been specifically stated that it was being passed with a view to "prevent" the detenu from engaging in illicit traffic in psychotropic substances and that necessarily means that the order was being passed so that in future he could not indulge himself in the above activities. The order, therefore, is in conformity with the provisions of the Act and the High Court ought not to have quashed the same taking a technical view of it.

4. We, therefore, allow this appeal, set aside the impugned order of the High Court and direct it to decide the writ petition filed by the respondent on the basis of the other grounds raised therein. Let the order be communicated to the High Court forthwith.