

SUPREME COURT OF INDIA

Justice Bench: N Untwalia and Justice V R Krishna Iyer r

Gopinath Pramanik vs The District Magistrate, Nadia

Citations: AIR 1975 SC 1406, 1975 CriLJ 1238, (1975) 2 SCC 1, 1975 (7) UJ 452 SC

JUDGMENT

V.R. Krishna Iyer, J.

1. The petitioner detenu has moved this petition for issuance of a writ of habeas corpus challenging his detention on the ground, inter alia, that the order of the District Magistrate is based on activities prejudicial to the maintenance of public order while the grounds relied on have relevance only to the maintenance of supplies and services essential to the community. We have examined the case and find that the grounds relied on by the District Magistrate are germane to disruption of maintenance of supplies and services essential to the community and have nothing to do whatsoever with the maintenance of public order.

2. The detenu in his application has specifically stated that the grounds of detention have no nexus with the maintenance of public order. In answer, the counter-affidavit filed by the state does not specifically deny this infirmity. It follows that the detention is unsustainable on this simple ground of non-denial of non-nexus between the grounds and the order without probing further into the matter. We therefore direct release of the detenu.