

1975 KHC 923

Supreme Court

**V. R. Krishna Iyer; N. L. Untwalia, JJ.*

Moni Lal Roy Choudhary v. State of W.B.

W. P. No. 14 of 1975

31 March, 1975

Maintenance of Internal Security Act, 1971, S.3 - Detention -- Writ against -- Plea of alibi -- Incidents alleged were such, that if true, they would have been sufficient for the subjective satisfaction of the detaining authority that was necessary to detain the person concerned for preventing him from acting in a "prejudicial manner", but a plea of alibi was set up on his behalf -- Held that ordinarily, in cases of preventive detention, such questions are outside the purview of the Supreme Court in writ proceedings against the order of detention. (Para 1)

JUDGMENT

Krishna Iyer, J.

1 Shri Pramod Swarup, Advocate, vainly though vehemently argued for the release of the detenu who was allegedly a government servant at the time of the detention order. The order was passed on May 4, 1974 and the grounds of detention in compliance with the statutory requirement were communicated. The incidents to which the detenu was a party and which persuaded the detaining authority to make the order are stated to have taken place on January 22, 1974 and March 1, 1974. Obviously, the incidents are such as, if true, would have been sufficient for the subjective satisfaction of the District Magistrate concerned. But the plea put forward is that the detenu was a government servant and attending office on the alleged dates. Para. 7 of the counter affidavit filed on behalf of the State explains how, notwithstanding the entry of attendance in the office register, the detenu was involved in criminal incidents and eye witnesses' evidence was available for the detaining authority in this behalf. It is not for us to investigate the alibi of the detenu. The jurisprudence of preventive detention ordinarily keeps this area out of bounds and out of the purview of this Court.

2. No other ground meriting consideration has been urged. We see no reason to disturb the order of detention. The Rule is vacated and the petition dismissed.
