

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).1930/2005

(From the final judgement and order dated 07/03/2005 in WRCRL No.
1K/2005 of The HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR,
TRIPURA, MIZORAM AND ARUNACHAL PRADESH, KOHIMA BENCH)

STATE OF NAGALAND

Petitioner(s)

VERSUS

NEKAHI & ANR.

Respondent(s)

(With appln(s) for ex-Parte stay)

Date: 21/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner(s)

Mr. U. Hazarika, Adv.

Ms. Sumita Hazarika, Adv.

Mr. Satya Mitra, Adv.

Mr. Subhasish Bhowmick, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Counsel for the State of Nagaland states that it would be apparent from a perusal of the grounds of detention that the respondent was informed that he had a right of representation to the detaining authority namely, the State Government, through the concerned jail authorities and also a right to claim personal hearing before the Advisory Board constituted by the State.

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The High Court had struck down the order of detention on the ground that since the Central Government has the power to revoke the order of detention, the grounds of detention should also have informed the respondent of the fact that the order of detention could be revoked by the Central Government, and therefore, he had a right to represent before the Central Government to revoke the order of detention. He submits that the law does not enjoin upon the State to state these facts in the grounds of detention. It is sufficient if the detenu is

informed that he has a right of representation to the
detaining authority and he has a right of personal hearing
before the Advisory Board.

Issue notice.

(SUKHBIR PAUL KAUR)

COURT MASTER

(VIJAY DHAWAN)

COURT MASTER