

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

Petition(s) for Special Leave to Appeal (Crl.) No. 2316/2000

(From the judgement and order dated 14/01/2000 in WP 801/99
of The HIGH COURT OF JUDICATURE AT ALLAHABAD BENCH AT LUCKNOW)

STATE OF U.P.

Petitioner (s)

VERSUS

SALEEM

Respondent (s)

Date : 12/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s) Mr. C.D. Singh, Adv. for
Mr. Pramod Swarup, Adv.

For Respondent (s) Ms. Begum S. Kamat, Adv. for
Ms. Kusum Chaudhary, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....J
.SP2

Leave granted.
Appeal is allowed in terms of the signed order.

.SP1

(J.S. Rawat)
Court Master

(Suneet Bala Sharma)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No. of 2001@@
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(Arising out of SLP(Crl) No. 2316/2000)

State of U.P.

...Appellant (s)

Versus

Saleem

...Respondent(s)

O R D E R~@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
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Leave granted.

An order of detention passed under sub-section (2) of Section 3 of the National Security Act by the Detaining Authority has been set aside by the impugned order of the High Court. The High Court is of the view that the solitary commision even of a heinous offence a person cannot be detained under the National Security Act. The High Court is clearly in error in coming to the aforesaid conclusion inasmuch as a single instance in given circumstances may disturb the entire public order and, therefore, a Detaining Authority may be justified in arriving at his subjective satisfaction that the detention of the detenu is necessary in the public interest. The High Court also has completely gone wrong in entering into the mind of the Detaining Authority and the satisfaction arrived at by him and coming to a conclusion that in the case in hand it cannot be said that there was a

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disturbance of public order. The learned Judges of the High Court on an indepth examination of the statements of the witnesses recorded under Section 161 Cr.P.C. and several other particulars, erroneously exceeded its jurisdiction in interfering with the order of detention under the National Security Act. It is too well settled that the subjective satisfaction of the Detaining Authority in issuing an order of detention cannot be interfered with on a finding that the materials are insufficient for arriving at the conclusion.

In the aforesaid premises, we have no hesitation in coming to the conclusion that the impugned order is not in accordance with law and, therefore, the same cannot be sustained. We accordingly set aside the impugned order of the Allahabad High Court and allow this appeal.

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.....J@@
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(G.B. PATTANAIAK)@@
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New Delhi,
January 12, 2001.

.....J@@
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(U.C. BANERJEE)@@
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