

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

Criminal Appeal No. 837 of 1995@@
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National Capital Territory of Delhi Appellant (s)

Versus

Narinder Behal Respondent (s)

(With appln. for ex-parte stay)

Dated: 03/09/2002: This matter was called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Appellant (s) Mr. Kailash Vasdev, Sr.Adv.
Mr. RK. Rathore, Adv.
Mr. DS. Mahra, Adv.

For Respondent (s) Mr. Ashutosh, Adv.
Mr. Rashid Hussain, Adv.
Mr. Rohit Minocha, Adv.

UPON hearing counsel the Court made the following
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.SP2

After hearing learned counsel for the parties for about 20 minutes, the Court dismissed the appeal.

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(S.Thapar) (O.P. Nagpal) @@
AA
PS to Registrar Court Master@@
AA

The signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 837 OF 1995@@
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This appeal is filed against order of the High Court quashing detention order; the High Court quashed the order on two grounds, firstly, on ground of delay in dealing with the representation made by the detenu. The detention order had been passed on 13.7.1994 and the declaration was thereafter made on 16.8.1994. In respect thereof, a representation was made on 22.8.1994 which was ultimately rejected on 24.9.94. The High Court observed that the only explanation offered by the appellant in mitigation of delay is that the file was for some time with one officer or the other. Apart from that averment there was no other explanation. In that view of the matter, the High Court found the delay to be inordinate and unexplained.

In addition, the High Court noticed that while issuing the declaration the competent authority had taken into consideration the application made by the customs department for cancellation of bail of the detenu and if that was a

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relevant document, so was the reply that had been filed. That reply has not been placed before the concerned authority. The High Court found that the detention order is not sustainable and allowed the appeal. We think the reasons given by the High Court are cogent and proper. No interference is called for and the appeal stands dismissed.

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.....J
(S. Rajendra Babu)

New Delhi,
September 03, 2002

.....J
(P. Venkatarama Reddi)