

CASE NO.:
Appeal (crl.) 207 of 2001

PETITIONER:
THE STATE OF TAMIL NADU & ANR.

Vs.

RESPONDENT:
BASKAR

DATE OF JUDGMENT: 20/02/2001

BENCH:
M.B. Shah & S.N. Variava.

JUDGMENT:

S. N. VARIAVA, J.

Leave granted.

Heard parties.

L...I...T.....T.....T.....T.....T.....T.....T.....T..J

This Appeal is against an Order dated 7th April, 2000. By this Order a Detention Order dated 2nd August, 1999 has been quashed on the ground that the Detention Order is vitiated on ground of vagueness as the exact overt act attributable to each one of the accused has not been set out.

We have read the Detention Order. The Detention Order sets out as follows:

On 24-6-99 at about 1100 hours Tvi. Thiruvengadam and his associate Baskar @ Reddy Baskar, Parthasarathy and Kandan got down from a Tata Sumo car bearing Registration No. TN-01-P 2525. Thiru Palani noticed them armed with knife. Thiru Thiruvengadam noticing Thiru Palani came near Thiru Palani and by uttering "when we cut your brother Ravichandran you went and gave complaint to the police. Now I am cutting you. Let me see who will give complaint for this. You die with this cut", terrorised him and rushed to cut him over his head. Thiru. Palani warded off the attack with his right hand. However the knife fell over his right fore-arm and caused bleeding injury to him. Thiru Palani raised hue and cry. A huge crowd gathered at the spot. Thiru Thiruvengadam and others by brandishing the knife terrorised everyone at the spot by uttering "if any body comes near we will remove the leg, hand", and also picked up soda water bottles from the nearby shop of Thiru Srinivasan and hurled the same against the public. The bottles fell on the road side broken into pieces and the broken pieces scattered all over the roadside. The public who were proceeding in their vehicles noticed and turned back their vehicles in the same direction from which they came. The nearby shop-owners noticed and closed down their shops and suspended their business. The normalcy in that area was totally dislocated. Thus they have created terror and panic

at the spot.

In our view, there is no vagueness in the said Detention Order. The Detention Order clearly sets out that the Respondent along with Thiruvengadam, Parthasarathy and Kandan got down from the Tata Sumo car and that all of them were armed with knives. The Detention Order clearly sets out that the complainant was threatened. The Detention Order sets out these persons terrorised everyone at the spot and one of them picked up a soda bottle from the nearby shop and hurled the same against the public. The Detention Order sets out that the normalcy of the area was completely dislocated as terror and panic had been created at the spot.

We fail to see what further and better particulars could have been given in the Detention Order. In the impugned Order the learned Judge has failed to clarify what further and better particulars could have been given in the Detention Order. In our view, the impugned Order cannot be sustained and it is accordingly set aside.

However, the Detention Order was of 1999. The same had been quashed by the High Court in April 2000. The period of detention is over. In our view, this is not a case where the Detenu should be made to surrender to undergo the remaining period of detention.

The Appeal stands disposed off accordingly. There will be no Order as to costs.

(M. B. SHAH)

(S. N. VARIAVA)

February 20, 2001.