IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Writ Petition No.211 of 2007

Rahila Saeed Malik .. .. Petitioner
(Wife of the Detenu)

Versus

1. The State of Maharashtra
through the Secretary to the
Government of Maharashtra, Home
Deptt., Mantralaya, Mumbai.
2. Chandra Iyengar
Principal Secretary
(Appeals and Security)
Home Department and
Detaining Authority,
Mantralaya, Mumbai.
3. The Superintendent of Prison,
The Mumbai Central Prison,
Arthur Road, Mumbai.
4. The Superintendent of Prison,
Nashik Road, Central Prison,
Nashik.
5. The Union of India
through the Secretary to the
Government of Finance, New Delhi. ... Respondents

Mr.Maqsood Khan for the Petitioner.

Mr.S.R. Borulkar, Public Prosecutor with Mr.A.R. Patil, Additional Public Prosecutor for the Respondents.

Mr.D.S. Mhaispurkar, Additional Public Prosecutor for Respondent No.1-State.

Mr.Manoranjan Sahu for Respondent No.5.

CORAM : DR.S. RADHAKRISHNAN &

SMT.ROSHAN DALVI, JJ.

Date of reserving the judgment : 19th September, 2007

Date of pronouncing the judgment : 29th September, 2007

JUDGMENT : (Per Smt.Roshan Dalvi, J.)

1. The Petitioner has challenged a detention order passed against him by Respondent No.2. He has filed this Petition for issue of a writ of Habeas Corpus and to quash and set aside the impugned detention order No.PSA 1206/40(3)/ SPL-3(A) dated 14.11.2006.

2. The detention order has been passed against the Petitioner upon the fact that the DRI detected a major fraud in the exports made from the Nhava Sheva Port under the drawback scheme, which was available to all legitimate

exporters. The Petitioner, *inter alia*, was seen to have played a vital role in claiming drawback scheme for fictitious exports. The information was investigated. The investigation revealed that the firms, which claimed the exports drawback, were not existing, have no partners therein, no goods were carted at the Custom Warehousing (CWC) in respect of several shipping bills shown for claiming the drawback, the parties, including the Petitioner, had availed on-line crediting of drawback amount despite making no physical exports. The investigation further revealed that the Bank Officers of HSBC Bank recommended opening of the accounts of those parties through another person without verification of the background of the account-holders. The investigation also revealed that certain Central Excise documents were forged, several IECs were fraudulently obtained by fictitious sale and purchase of goods and sharing drawback out of supplying such IECs and withdrawing drawback by using self cheques through accomplices in showing fictitious exports by EGM entries of

"Factory Stuffed Containers". Statements of various parties came to be recorded from time to time. It came to be shown that there was over-valuation of the export goods. In certain cases no physical exports were at all made and yet applications were filed with the Customs Authorities to claim drawback under 145 shipping bills involving total drawback of Rs.90.66 Lacs, Rs.271.85 Lacs and Rs.169.54 Lacs in various separate transactions of similar nature.

3. The detention order came to be passed upon the subjective satisfaction of the Detaining Authority that the Petitioner had a *modus operandi* to claim or abet the claim of drawback without making physical exports resulting in a loss of revenue to the extent of Rs.397 Lacs and Rs.533.57 Lacs in separate transactions. The order of detention came to be passed upon seeing the propensity of the Petitioner to recommit such offences and to prevent him from smuggling the goods in the same fashion in future.

4. The Petitioner has challenged the detention order, especially on four separate grounds.

5. The first contention is that since, as per the case of the Detaining Authority itself, no physical exports were made, there were no goods which came to be exported and no goods which were liable for confiscation and none were confiscated or could be confiscated and hence, the activity did not fall within the purview of smuggling under Section 2(39) of the Customs Act, 1962 (the said Act).

6. It may be mentioned that a reading of the detention order shows that in several transactions no physical exports were made, but in other transactions, certain goods were exported in the name of several firms for which IECs were provided and in which the material price under the exports was much less than the drawback amount claimed by the Petitioner. In such transactions, the Petitioner resorted to over-valuation of the export goods which were bicycle parts and readymade garments for claiming higher amount of drawback.

7. Under Section 2(39) of the said Act, smuggling is an act or omission which will render goods liable to confiscation, *inter alia*, under Section 113 (which deals with goods

attempted to be improperly exported).

8. Section 113 of the said Act lays down various circumstances under which the goods become liable to confiscation. It is the case of the Respondents that the goods, in this case, became liable to confiscation under sub-section (ii) of Section 113 of the said Act. The said section reads thus:-

> *" (ii) any goods entered for exportation under claim for drawback which do not correspond in any material particular with any information furnished by the exporter or manufacturer under this Act in relation to the fixation of rate of drawback under section 75."*

9. In this case, the bicycle parts and readymade garments, for which the market price was less than the drawback claimed, did not correspond in material particulars with the application for such drawback made by the Petitioner as the exporter and the information furnished by him with regard to the fixation of the drawback under Section 75 of the said Act. In case of other transactions in which no physical exports came to be made and which were completely

fictitious also the information furnished by the Petitioner did not correspond in material particulars to the goods entered in his application for exportation and for which the claim for drawback came to be made.

10. It may be mentioned that under sub-section (d) of Section 113 of the said Act, the goods, which became liable for confiscation, are not only the goods exported but also once attempted to be exported . Sub-section (d) of Section 113 reads thus:-

> *" (d) any goods attempted to be exported or brought within the limits of any customs area for the purpose of being exported, contrary to any prohibition imposed by or under this Act or any other law for the time being in force."*

11. It may, therefore, be seen that even an attempt to show an export which never was and which turns out to be a fictitious export, would fall within the mischief of Section 113(d) of the said Act.

12. Section 50 of the said Act deals with clearance of export goods. The exporter is required to make an entry of the

goods for exportation, *inter alia*, in the shipping bill in prescribed form. Section 50(2) requires the shipping bill to contain a declaration of the exporter as to truth of its contents. Under Section 51 of the said Act, after verifying that those goods are not prohibited goods and for which proper duty and charges have been paid, goods can be cleared and loaded for exportation.

13. In this case, shipping bills have been presented and relied upon for showing the fictitious exports as well as over-rated exports. The declaration as to the truth of its contents is, therefore, implicit under the provisions of Section 50(2) of the said Act. The investigation has revealed that either no exports were made or export of far lesser value than claimed in the drawback were made. The subjective satisfaction of the Detaining Authority that the activity amounted to smuggling since it fell under Clauses (d) and (ii) of Section 113 of the said Act is, therefore, seen.

14. It is contended by Mr.Khan on behalf of the Petitioner that the Detaining Authority has alleged that the Petitioner

made a false declaration whereas, in fact, it was a mis-declaration. He further contended that the act of the Petitioner does not come within the mischief of the Customs Act. We fail to understand any intricate difference between a false declaration and a mis-declaration. False declaration/mis-declaration has been made in relation to the fixation of the rate of drawback under Section 75 of the said Act. The declaration, if any, has been made under Section 50(2) of the said Act. The goods, which were entered for exportation, did not correspond with the information furnished by the exporter. It does not matter that they are fewer goods for lesser value or no goods at all. Even total lack of goods shown entered for exportation but, in fact, not exported and for which drawback duty is claimed would tantamount to the goods not corresponding in material particulars with the information furnished by the exporter. The goods attempted to be exported but which were not exported, were also contrary to the prohibition imposed against such export under Sections 50 and 51 of the said

Act.

15. The case of smuggling made out by the Detaining Authority, as per the evidence brought before her, has resulted in her subjective satisfaction about the acts of the Petitioner.

16. The contention of Mr.Khan that the said Act would not amount to smuggling, though it may amount to a fraud, misrepresentation, falsification of documents etc., which are offences under the Indian Penal Code, alone cannot be accepted. Hence, the contention of Mr.Khan that the Petitioner cannot be brought within the purview of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, (COFEPOSA) cannot be accepted.

17. The next contention on behalf of the Petitioner is that the documents relied upon by the Detaining Authority were not supplied to the Petitioner, despite a demand in that behalf being made, which resulted in the Petitioner being unable to make a proper representation to the Detaining

Authority. It is a settled law that only a document relied upon by the Detaining Authority and only a vital document which has made the Detaining Authority come to a subjective satisfaction and which would be vital in moulding her mind towards such subjective satisfaction are the documents which are required to be provided to the detenu to enable him to make an effective representation.

18. It is contended that the document at Item No.50 has not been furnished to the Petitioner, due to which the Petitioner has not been able to make an effective representation. The list of documents annexed to the detention order and served upon the detenu is annexed as Annexure-C to the Petition. Item No.50 of the list of documents reads thus:-

> *" 50. Shipping Bill copies as per Annexures to the proposals."*

All the shipping bills have been provided to the detenu. The shipping bills show all the material information supplied by the detenu with regard to the export claimed to be made by him. Those shipping bills were annexed to the proposal of the

Sponsoring Authority. Consequently, those shipping bills are shown as per the Annexures to the proposal. Item No.50 is with regard to the copies of the shipping bills which were annexed to the proposal and not the proposal itself. Description of the shipping bills showing from where the shipping bills have been brought to the notice of the Detaining Authority is shown in the item. The Detaining Authority has not relied upon the proposal to pass the detention order. She has relied upon copies of the shipping bills for that purpose. Obtaining copy of the shipping bills is an entitlement of the detenu as that is indeed the vital document which would make the Detaining Authority come to a particular subjective satisfaction with regard to the activities of the detenu. The proposal is not such a document and has not been relied upon as a document.

19. It is the contention of Mr.Khan that the detenu was entitled to have a copy of the proposal. It is, in this regard, that he drew our attention to Item No.50 of Annexure-C to the Petition. The contention is misconceived since the

proposal is not a document, vital or otherwise, relied upon by the Detaining Authority.

20. It is contended by Mr.Khan that the Petitioner was entitled to be communicated the grounds of the detention order and be afforded the earliest opportunity to make his representation. Consequently, when the Petitioner demanded a copy of the proposal, it should have been given to him expeditiously so as to enable him to make a representation and not giving him the proposal constituted a breach of the provisions contained in Article 22(5) of the Constitution of India. It is further contended by him that if the proposal was not to be given to the Petitioner, the Detaining Authority was required, under the mandate contained in Article 22(5) of the Constitution, to show that it was against the public interest to give him a copy of the proposal as held in the case of ***Ganga Ramchand Bharvani vs. Under-Secretary to the Govt. of Maharashtra & ors.*** **AIR 1980 Supreme Court 1744**. In that case, copies of statements of the witnesses (showing the facts of the case on merits) were mechanically

withheld by the Detaining Authority at the instance of the Collector. It was held that the arbitrary refusal could not have been made except in public interest.

21. In this case, it is not the case of the Respondents that a copy of the proposal was against the public interest to be given to the Petitioner. The Respondents have not claimed privilege with regard to that document. It is the case of the Respondents, and it is made clear as per the description of Item No.50 of Annexure-C to the Petition that it is not a document, vital or otherwise, relied upon by the Detaining Authority and hence, its copy need not have been furnished to the Petitioner.

22. The true intent of the exercise is demonstrated in the judgment relied upon by Mr.Khan with regard to this aspect. It has been held in the case of ***Rajesh Vashdev Adnani vs. State of Maharashtra & ors.*** **(2005) 8 Supreme Court Cases 390** that a verbatim reproduction of the proposal for detention in a detention order would show non-application of mind on the part of the Detaining Authority. In that case,

the proposal of the Sponsoring Authority was verbatim copied by the Detaining Authority changing the pronoun from the third person to the second person. It may be mentioned that this would tantamount to a fishing inquiry. In cases in which the proposal is not a document relied upon by the Detaining Authority, a fishing inquiry is not contemplated as a constitutional right of a detenu to be able to make an effective representation. In the case of ***Kamarunnissa vs. Union of India & anr.*** **AIR 1991 Supreme Court 1640**, it has been held that non-supply of only those documents, which would prejudice or impair the right of the detenu to make an effective representation would vitiate the detention order. The demand, in this case, is misconceived and has been rightly left unheeded. It is not seen that the detenu could not make an effective representation, by virtue of which the detention order could come under fire.

23. The third contention raised by Mr.Khan on behalf of the detenu is that the Petitioner was not allowed to be

represented before the Detaining Authority by non-lawyer friend at the time when the Detaining Authority considered his representation. The representation to be made by the Petitioner is a constitutional right under Article 22(5) (*supra*), which reads thus:-

> *" (5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as maybe, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order."*
>
> (Underlining supplied)

The representation is to be made "against the order" and not "before a Detaining Authority". The representation, therefore, does not contemplate personal hearing of the detenu himself. It, therefore, cannot contemplate any hearing of any non-lawyer friend of the detenu either. The Petitioner has made his representation. It has been considered and rejected. The rejection of the representation has been conveyed to the Petitioner by the officer of Respondent No.1. It is further contended by Mr.Khan that the Detaining Authority should

have considered each of his representations with reasons. The learned Public Prosecutor on behalf of the Respondents has produced the original file before us. We have gone through the same. We find several contentions raised by the Petitioner which have been considered with reasons by the Detaining Authority. The Petitioner is not liable to be shown the reasons and Mr.Khan has fairly conceded this fact. Once the order is passed with reasons, it shows a subjective satisfaction of the Detaining Authority by application of mind. It should not be called in question before this Court. The representation of the Petitioner is, therefore, properly considered.

24. Under Section 8(e) of the COFEPOSA, the Petitioner would not be entitled to be represented by a legal practitioner even before the Advisory Board, the proceedings before which would be confidential. A non-lawyer friend has, however, been allowed to represent the Petitioner before the Advisory Board pursuant to the judgment of the Apex Court in the case of ***A.K. Roy vs. Union of India & ors.*** **(1982) 1 Supreme Court Cases 271**. Paragraph 94 of that judgment

lays down the purport and concept of the right of representation created by the precedent. It concedes an embargo on the appearance of the legal practitioner before the Advisory Board. However, it extends the representation of the Petitioner before the Advisory Board, aided and assisted by the friend, who in **truth and substance**, is not a legal practitioner. It lays down that the person whose interest would be adversely affected by the result of the proceedings against him would have a serious merit and would, therefore, be entitled to be heard in those proceedings (underlining supplied). The reasoning why this right is afforded to a detenu is set out in that paragraph. That is because the detenu would lack the ease and composure, may become tongue-tied, nervous, confused or wanting in intelligence. He would need some one to give coherence to his stray and wandering ideas as his thoughts would be dishevelled. The friend would be better able to appreciate the facts of the case and the language of law. Fairness, therefore, demanded such a right to be implicit in the

detenu. It may be mentioned that making a representation "against the order" would not entail a situation in which the detenu would lack the ease and composure, become tongue-tied, nervous, confused or wanting in intelligence or have his thoughts dishevelled. He may be assisted by an able friend or even a legal practitioner to draft out his representation "against the detention order" which could be submitted to the Detaining Authority. Consequently, the appreciation of the facts of the case and the language of the law would be taken care of in such representation. A detenu, therefore, is not granted any personal hearing either himself or through his non-lawyer friend as a constitutional right.

25. Mr.Khan argued that there is no prohibition in the Constitution against such a right. We cannot accept the contention that whatever is not prohibited can be claimed by a detenu. The specific rights of the detenu are laid down under Articles 22(4), (5), (6) and (7) of the Constitution. If those are breached, the Petitioner would be able to make out a case in his Habeas Corpus Petition. If those are not, no

such case can be said to be made out. The claim of the right not granted to the Petitioner cannot be allowed whilst making the representation against the detention order since there is no provision for personal hearing with regard to the representation at all.

26. It is contended by Mr.Khan on behalf of the Petitioner that there has been a gross delay in passing the detention order vitiating it. He further contended that the delay is of 14 months from the time the offence is stated to have been committed by the detenu until he was served the detention order. It may be mentioned that only delay, which is undue and unexplained, would vitiate the detention order. The reply of Respondent No.2, in this behalf, is, therefore, required to be considered. She has denied that there is a delay of 14 months in paragraph 6 of her reply. She has explained the steps taken by the Sponsoring Authority upon the receipt of the information by the DRI with regard to a major fraud in the exports made from Nhava Sheva Port under the drawback scheme. The information revealed the

role of the accomplice – Pravin Joshi. The investigation, therefore, ensued. The investigation has been done on several fronts. The act of investigation itself shows not only the application of mind of the Detaining Authority but the reasonableness with which the action has been pursued. The reply shows the following steps in investigation:-

(a) The information revealed that several firms which were seeking to export the goods were not in exportation business.

(b) No goods were carted at the CWC under several shipping bills (despite the declaration made to the contrary).

(c) The shipping bills did not reflect the record of the CWC, indicating an absence of goods received at the CWC.

(d) The shipping bills indicated the Let Export Order (LEO) purportedly showing that the goods were examined by the Customs and allowed for the exports.

(e) The containers in which the goods were shown to have been stuffed were never received at the CWC.

(f) The verification of bank accounts of the firms showed

how on-line crediting of the drawback amount in the name of the exporters was done.

(g) The enquiries with the bank revealed that the accounts were opened and recommended by one of the Sales Executives of HSBC Bank introduced by the accomplice Vijay Mehta who regularly opened several bank accounts in the name of several firms and which were recommended for opening without verification of the background of the account-holders by an officer of the bank one Mr.Deepak Aarya.

(h) The residential premises of Pravin Joshi was searched on 18.7.2005.

(i) Vijay Mehta was intercepted and his residential premises were searched on 2.8.2005.

(j) IEC codes on the basis of forged documents in the names of fictitious firms sold in contravention of the rules to the Petitioner and other racketeers by misusing the drawback scheme were found.

(k) Statement of Pravin Joshi was recorded on1.9.2005.

His further statements were recorded between September 2005 and and January 2006.

(l) The export documents handled by him were identified.

(m) The detenu was identified by one of the witnesses as one such exporter.

(n) Statement of the detenu was recorded on 15.9.2005.

(o) His further statements were recorded between 21.9.2005 and 1.12.2005.

(p) The detenu was arrested immediately upon his first statement.

(q) The Sponsoring Authority received various letters between July 2005 and January 2006, which came to be investigated upon.

(r) The Sponsoring Authority wrote letters to various shipping licensees.

(s) Responses to his enquiries were received on 4.1.2005.

(t) Evidence in the form of shipping bills in electronic form was earlier obtained and they were printed till

13.2.2006.

(u) Reminders were issued to the Air Customs, Air Cargo Complex, Sahar for the copies of the remaining shipping bills which were not obtained during investigation on 20.2.2006.

(v) Investigation was made with the drawback Section of Air Customs Sahar and further information was sought with regard thereto on 13.3.2006.

27. It can be seen that a huge fraud with stakes in crores of rupees was involved. Shipping bills were numerous. Various bank accounts of such fraudsters were involved and had to be checked. IEC codes had to be investigated upon. This investigation was not only at the Sea Port but also at the Air Port. Aside from the detenu, five other persons were also involved and their documents were similarly collected. It is to the credit of the Sponsoring Authority that he did not seek the detention of the detenu before the investigation was complete. This itself shows following of a yardstick before detaining a citizen. Such procedure involves time and

labour. Not following such procedure would result in arbitrariness. As a matter of corollary, therefore, following such procedure, though entailing time, shows not only the application of mind but the reasonableness of the action. The Sponsoring Authority carried on investigation until the middle of March 2006. The result of the investigation came to be correlated and put up before the Authorities for approval on 10.4.2006. The proposal was forwarded to the Screening Authority on 17.4.2006. It was approved on 20.4.2006 by the Scrutiny Committee. The Minutes of the Committee were received on 26.4.2006. The proposal came to be forwarded after preparing the necessary sets of documents by the Sponsoring Authority on 29.5.2006. There is no undue or unexplained delay in the entire herculean exercise.

28. The office of the Detaining Authority received the proposal on 1.6.2006. This involved processing the entire file containing numerous documents. It was forwarded to the Under Secretary on 16.6.2006 and to the Deputy Secretary

on 21.6.2006. The Detaining Authority raised some queries on 1.7.2006 and called upon the Sponsoring Authority to furnish certain information. That was received on 5.7.2006. Her Assistant prepared a detailed note on 15.7.2006 and forwarded to the Under Secretary who forwarded it to the Deputy Secretary who was then on sick leave between 18.7.2006 and 25.7.2006. Upon his return from the leave, he endorsed it on 28.7.2006. The Detaining Authority put her endorsement on the same day and called the Joint Secretary (Law) for discussion.

29. In the meantime, the detenu preferred a pre-detention representation, a right not specified in law. Nevertheless, the representation was given due consideration. The Detaining Authority called for comments of the Sponsoring Authority on such representation. The Sponsoring Authority forwarded its remarks on 10.8.2006. That was received in the office of the Detaining Authority on 14.8.2006. A detailed note was prepared and forwarded to the Under Secretary on 13.9.2006. This proposal was considered along

with 15 proposals, 3 of which were received prior to the receipt of the present proposal. The Detaining Authority passed detention orders in 23 cases between 16.8.2006 and 23.8.2006. The concerned Assistant was on leave for recruitment training between 5.9.2006 and 7.9.2006. He had his examination scheduled on 11.9.2006 and 12.9.2006. There were three holidays in between. The Under Secretary gave his endorsement on 13.9.2006 followed by the endorsement of the Deputy Secretary on 15.9.2006.

30. The Detaining Authority rejected the detenu's pre-detention representation. The detenu made another representation on 15.9.2006 which was similarly sent back for parawise comments and which was received through the same channel on 26.9.2006. After going through the representation, it came to be rejected by the Detaining Authority on 4.10.2006. The grounds of detention were typed on 6.10.2006 and once again sent through the same channel. The detention order came to be issued on 14.11.2006.

31. It can be seen that at each of the stages, each of the Authorities has diligently applied its mind and forwarded the proposal with the requisite expedition. Two pre-detention representations were made by the detenu. Though not enjoined in law to be considered, they were considered at each of the stages. The detenu must thank himself for a delayed detention order which he took pains to get delayed himself. The detenu, therefore, cannot complain of any live-link being broken after compelling the Authorities to go through his representations one after another. In fact, in an unreported judgment in the case of ***Zakaullah N. Haq vs. The State of Maharashtra*** **in Criminal Writ Petition No.1179 of 1993 dated 1st November 1993**, the practice of entertaining such wrongful and *"extremely dangerous and suspicious method adopted by the detenu"* is deprecated. In fact, the detenu got proper consideration of his representations within a reasonable time from making each of them as per the law laid down in the case of ***Union of India vs. Sneha Khemka & anr.*** **2004 Supreme Court**

Cases (Cri) 579 .

32. Reference to the case in ***Union of India & anr. vs. Sneha Khemka & anr.*** **2004 Supreme Court Cases (Cri) 579** by Mr.Khan shows that the mandate therein is complied. It has been held in that judgment that the representation of the detenu must be disposed of within a reasonable time. In this case, two pre-detention representations have also been disposed of.

33. The learned Public Prosecutor relied upon a case of ***D. Anuradha vs. Joint Secretary & anr.*** **(2006) 5 Supreme Course Cases 142** in which it has been held that two years' period between the alleged involvement of the detenu was violation of the provisions of FERA and the detention order cannot be held to be illegal. It was held that it was not passed on the basis of stale materials as the allegations against the detenu were of serious nature involving several crores of rupees. Various transactions have been done in a clandestine manner with foreign nationals in which the detenu claimed to be a non-resident Indian. It has been

observed that all those materials had contributed to the delay and the Detaining Authority had to consider these materials and cross-check the transactions. The 14 months' delay, in this case, is, therefore, due and well explained.

34. Mr.Khan called upon us to review the decision of the Detaining Authority as per the mandate contained in the case of ***Khudirarn Das vs. State of West Bengal & ors.*** **AIR 1975 Supreme Court 550**, holding that the decision of the Detaining Authority is not immune from judicial reviewability and is subject to judicial scrutiny. An examination of this case, in fact, reveals a good case against the detenu for the unlawful gain made by him to the extent of crores of rupees in claiming and appropriating drawback for lesser goods exported or no goods exported. In fact, we may mention that the on-line crediting of the detenu's Bank Account and consequent user of the monies by withdrawal from his Bank Account requires the Court to draw a presumption of the fact of the knowledge as well as the criminal intention of the detenu analogous to the statutory

presumption under Section 114(a) of the Indian Evidence Act, 1872. The thorough investigation of a mammoth crimes staking in crores of rupees between several parties in the port, bank and amongst exporters shows anything but an improper application of mind, dishonest exercise of power or improper purpose which alone could negative the subjective satisfaction of the Detaining Authority.

35. We are satisfied that the case of the detenu has been fully considered. The Petition is totally devoid of merit, hence stands dismissed. Rule stands discharged.

(DR.S. RADHAKRISHNAN, J.)

(SMT.ROSHAN DALVI, J.)