

THE STATE OF TAMIL NADU AND ANR.

A

v.  
BASKAR

FEBRUARY 20, 2001

[S.N. VARIAVA AND M.B. SHAH, JJ.]

B

*Criminal Law*

*Preventive Detention—Constitution of India—Articles 21 & 226—Writ of Habeas Corpus—High Court quashing order of detention on ground of vagueness—Held, on facts, detention order clearly sets out the sequence of events—Detention upheld—Further held, period of detention being over, detenu need not surrender.*

C

The Appellant filed the appeal against the quashing of a detention order of Respondent by the High Court in a Habeas Corpus Petition 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.

D

**Disposing of the Appeal, the Court**

**HELD : 1.** There is no vagueness in the Detention Order. The Detention Order clearly sets out that the Respondent along with T, P and K 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 that 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 set out that the normalcy of the area was completely dislocated as terror and panic had been created at the spot. [1141-C]

E

**2.** The High Court has failed to clarify what further and better particulars could have been given in the Detention Order. The impugned Order cannot be sustained and it is set aside. [1141-D]

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G

**3.** The Detention Order is of 1999. The same had been quashed by the High Court in April 2000. The period of detention is over. Hence, this is not a case where the Detenu should be made to surrender to undergo the

H

**A remaining period of detention. [1141-E]**

CRIMINAL APPELLATE JURISDICTION : Criminal Appeal  
No. 207 of 2001.

**B** From the Judgment and Order dated 7.4.2000 of the Madras High Court  
in H.C.P. No. 1404 of 1999.

R. Mohan and V.G. Pragasam for the Appellants.

Vijay Panjwani, (A.C.) for the Respondent.

**C** The Judgment of the Court was delivered by

**S. N. VARIAVA, J.** Leave granted.

Heard parties.

**D** 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.

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

**F** "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,  
**G** 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  
**H** 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.

V.M.

Appeal disposed of.