

(1995) 11 AP CK 0017

In the Andhra Pradesh High Court

Case No : Writ Petition No. 16499 of 1995

Namburi Guru Gopal

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 15-11-1995

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1996) 1 ALD(Cri) 483 : (1996) 1 ALT 840 : (1996) 1 ALT 84 : (1995) 1 AnWR 26

Hon'ble Judges : S.V. Maruthi, J;N.Y. Hanumanthappa, J

Bench : Division Bench

Advocate : S.R. Sanku, for the Appellant; P. Innayya Reddy, Senior Standing Counsel for Central Government for Respondent Nos. 1 and 3 and A.G. for Respondent Nos. 6 and 7, for the Respondent

Judgement

N.T. Hanumanthappa, J.—Mr. Namburi Guru Gopal, a practising Advocate of this Court, has filed this writ petition seeking production of the alleged detenus before this Court basing on the newspaper report that the alleged detenus were taken away by some agents to Malaysia.

2. It is needless to say that every citizen has a fundamental right to life and when his right to life is deprived of either in this country or by others by way of abduction to other countries, the duty lies on the State to take appropriate steps to get their rights protected, if necessary by contacting the concerned Embassy. The prayer made in this writ petition is squarely falls within the observations made above.

3. Sri Sanku is right in his submission that even if the detenus are inside the country or if they are abducted to outside the country at the instance of some agency in the State and when a complaint is made to the police and in case the police failed to take any action, any citizen of the country may approach the Court of law by way of writ of Habeas Corpus for issuance of directions to the authorities concerned in the State to discharge their duties including taking steps

for production of such detenus. Sri Sanku, learned Advocate, has produced a xerox copy of the Fax from Foreign, New Delhi, Consular Section, which reads as follows:

"Ref. Your fax No. 27/7376/POL/95 dated 12-10-1995 regarding detention of Indian Nationals in Malaysia and Writ Petition No. 16499/95 filed by Namburi Guru Gopal in the High Court of Andhra Pradesh. In this regard, we have been informed by our Mission in Kuala Lumpur (Malaysia) that they have not been informed about the exact number of Indians detained by the local authorities. The Mission also informed that they have already issued 5 emergency certificates in respect of 5 persons who have been repatriated to India and 6 other persons will be repatriated at the earliest after establishing their nationality.

Please contact Mr. T. Innayya Reddy, Advocate & Sr. Standing Counsel for Central Government and advise him to provide us with exact number of Indian Nationals detained in Malaysia with their full particulars to enable our Mission to establish the identity and issue them Emergency Certificate for their travel back to India."

4. Mr. P. Innayya Reddy, the learned Standing Counsel for Central Government, submitted that the concerned Department has taken steps to get the persons mentioned in the writ petition repatriated to India.

5. In view of the above submission, Mr. Sanku submitted that his client's purpose is served. Recording the same, the writ petition is closed.

6. The seriousness shown by Mr. Sanku, Advocate, espousing the cause of kidnapped Indian citizens and the earnest role on the part of the Central Government Advocate to get the Indian citizens repatriated to India, is appreciated and placed on record.