

(1984) 06 SC CK 0005

In the Supreme Court Of India

Case No : Writ Petition (Criminal) No's. 920, 929-30 and 934 of 1984

Ram Jethmalani and Others

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 20-06-1984

Acts Referred:

Citation : (1984) 2 SCALE 214 : (1985) 1 SCC 116

Hon'ble Judges : Y. V. Chandrachud, C.J; S. Murtaza Fazal Ali, J; P. N. Bhagwati, J; E. S. Venkataramiah, J; A. Varadarajan, J

Bench : Full Bench

Judgement

1. We direct that the Registrar of this Court Shri R. Subha Rao, alongwith an officer of this Registry knowing the language of the detenu, will meet and shall be allowed to meet the detenu Sant Harchand Singh Longowal for the purpose of ascertaining whether the detenu desires that this Habeas Corpus petition should be Pursued on his behalf. The Registrar shall hand over to the detenu a copy of this Habeas Corpus Petition, which was filed by Miss Rani Jethmalani, Advocate. The Registrar and the officer accompanying him will explain to the detenu the substance of the Habeas Corpus petition and the nature of the Habeas Corpus petition and the nature of the relief sought therein.

2. No other person, including any officer or member of the staff of the place in which the detenu is kept, shall remain present or be within the hearing distance at the time when the two officers meet the detenu. The officers will convey to the detenu that if he desires to file a Habeas Corpus petition he can do so either by himself or through any other representative. If the detenu so desires, he may ask the Registrar to treat this Habeas Corpus petition as if it were filed by him or by a representative authorised by him.

3. In the meanwhile, the pleadings shall be completed as directed below. The counter affidavit, if any, shall be field by the respondent, the Union of India, within two weeks from today. The rejoinder, if any, shall be filed within ten days thereafter.

4. The particulars of the place where the detenu is kept shall be furnished to the Registrar by the respondent by forenoon tomorrow.
5. The two officers of this Court, the Registrar and one other, will meet the detenu expeditiously, preferably within the next four days. They will submit their report to this Court in a sealed cover. The Registrar will, during the course of this day, communicate to the office of the learned Attorney General the name of the other officer of the Registry, who will accompany him.
6. All the Habeas Corpus petitions shall be listed for hearing before a Bench of five Judges on July 17, 1984.