

(2019) 08 SC CK 0156

In the Supreme Court Of India

Case No : Writ Petition (Criminal) No. 229 Of 2019

Sitaram Yechury

APPELLANT

Vs

Union Of India & Anr

RESPONDENT

Date of Decision : 28-08-2019

Acts Referred:

Citation : (2019) 08 SC CK 0156

Hon'ble Judges : Ranjan Gogoi, CJ; S.A. Bobde, J; S. Abdul Nazeer, J

Bench : Full Bench

Advocate : Raju Ramachandran, Shadan Farasat, Shankar Narayanan, Jahnvi Sindhu, Shruti Narayan, K.K. Venugopal, Tushar Mehta, Ankur Talwar, Rajat Nair, Kanu Agrawal, B.V. Balram Das, Shashi Juneja, Satyajeet Kumar

Judgement

The petitioner is the General Secretary of the Communist Party of India (Marxist). The present petition has been filed seeking the production of Mr. Mohammad Yousuf Tarigami, who is member of the Party and an erstwhile elected member of the Jammu & Kashmir Legislative Assembly. The petitioner complains that inspite of best efforts, he has not been able to enquire about the welfare of his said colleague and his attempt to meet him personally by going to the State of Jammu & Kashmir has also not succeeded, as he has been refused entry into the State.

The petitioner further states that his friend and colleague party member - Mr. Tarigami is not in good health and in fact, our attention has been drawn to an interim application filed by the petitioner seeking orders from the Court for bringing Mr. Tarigami to the All India Institute of Medical Sciences (A.I.I.M.S.), New Delhi, for better medical facilities.

Before we pass any final orders in the writ petition, we had asked the learned counsel for the petitioner as to whether under orders of the Court, the petitioner would like to go to Jammu & Kashmir to meet Mr. Tarigami, so as to ascertain his whereabouts and welfare; the present state of his health and whether he needs specialised medical treatment according to medical opinion.

On due consideration, we permit the petitioner to travel to Jammu & Kashmir for the aforesaid purpose and for no other purpose.

We make it clear that if the petitioner is found to be indulging in any other act, omission or commission save and except what has been indicated above i.e. to meet his friend and colleague party member and to enquire about his welfare and health condition, it will be construed to be a violation of this Court's order.

Learned counsel for the petitioner, at this stage, undertakes that the petitioner will go to Jammu & Kashmir only for the purpose specified in the present order.

We direct Mr. Imtiaz, Senior Superintendent of Police, Security in the State of Jammu & Kashmir to facilitate the travel and help the petitioner in locating the whereabouts of Mr. Tarigami, the petitioner's friend and colleague party member, if required.

No sooner the petitioner comes back to Delhi, he will file a report supported by an affidavit in connection with the purpose of the visit as indicated in this order.