

Shri Lakshmi Niwas

Vs

Commissioner of Police, Hyderabad and Another

Criminal Appeal No. 98 of 1974

(P. Jagmohan Reddy, H. R. Khanna JJ)

04.04.1974

JUDGMENT

JAGANMOHAN REDDY, J. –

1. In this case the appellant has been released by the High Court after his appeal against the judgment of the High Court dismissing his first habeas corpus petition was admitted and was pending before us. The High Court, on a subsequent application by the petitioner after the receipt of the report of the Director of the Central Food Laboratory, Calcutta, that the oil which was alleged to be adulterated and purchased from the petitioner by the Food Inspector was not adulterated, allowed his habeas corpus petition and directed his release as aforesaid. Dr. Singhvi contends that since this appeal involves the larger question of whether for offences under the Food Adulteration Act a person can be detained under the Maintenance of Internal Security Act, as also other important questions, we should hear this appeal. It is not necessary for us to express our view on any of these points or to say whether the High Court is right or wrong on the view it has taken on the several questions raised before it because ordinarily this Court has been dismissing such petitions as have become infructuous when the detenu has been released. In this case we do not see any reason why we should depart from that practice. No doubt, if the Government for some reason should appeal against the second order of the High Court, the appellant herein will be at liberty, notwithstanding the dismissal of this appeal as infructuous, to raise all contentions that were open to him in this appeal. Mr. Parameswara Rao, Counsel for the State, however says that he has no instructions that any such appeal is going to be filed.

2. We accordingly dismiss this appeal as infructuous.

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