

Ram Jethmalani

Vs

Union of India

Gajinder Singh Cheema

Vs

Union of India and Others

Criminal Miscellaneous Petition No. 5194 of 1984 in Writ Petition (Criminal) No. 920 of 1984 and  
Writ Petition (Criminal) No. 959 of 1984

(CJI Y. V. Chandrachud, Syed M. Fazal Ali, E. S. Venkataramiah, A. Vardarajan, V. Khalid JJ)

25.06.1984

ORDER

1. Paragraph 5 of this miscellaneous petition states that the order of detention which is impugned in this habeas corpus petition has been revoked and that in pursuance of the order of revocation the detenu was released. In view of this, we are of the opinion that the habeas corpus petition has become infructuous and is for that reason liable to be dismissed. We order accordingly.
2. It appears from the miscellaneous petition that a fresh order of detention has been passed against the detenu. Miss Rani Jethmalani, appearing for the detenu, says that a fresh habeas corpus petition has been filed in this Court to challenge the new order of detention which, she submits, is without prejudice to her contention that the first habeas corpus petition has not become infructuous.
3. The new habeas corpus petition which has been filed on behalf of the detenu by Miss Rani Jethmalani may be accepted and registered in accordance with the rules governing the institution of habeas corpus petitions.
4. The rights and facilities to which the detenu is entitled under the Constitution and the National Security Act will be accorded to him. Mr. Mridul, who appears on behalf of the respondent, the Union of India, has assured us that all such rights and facilities which are due to the detenu in accordance with law will be given to him.
5. This habeas corpus petition and the connected writ petitions (929- 30 and 934 of 1984) will be listed for hearing on July 24, 1984. In the mean while, the parties will complete their pleadings. We expect that the counter-affidavit which the respondent will file will disclose all such facts and documents as are relevant for the purposes of the petition and necessary for its disposal. The counter-affidavit shall be filed before July 10, 1984 and the rejoinder, if any, within one week thereafter.

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