

Sonam Yongda (Ex-Captain) Presently Detained In Hazaribagh Central Jail, Bihar

Vs

State of Sikkim and Others

Criminal Writ Petition No. 297 of 1986

(O. Chinnappa Reddy, M. M. Dutt JJ)

29.07.1986

ORDER

CHINNAPPA REDDY, J. –

1. In this petition for the issue of a writ of habeas corpus the principal question argued before us was that ground Nos. 3 and 4 mentioned in the communication dated January 6, 1986 were totally baseless as there was no material to support the allegation that it was the petitioner that had sent the delegation consisting of Kiran Kumar Chhetri and others to approach the embassies of China, Pakistan, Bangla Desh and USA in Kathmandu and that Kiran Kumar Chhetri and others had presented the memorandum dated October 15, 1985 under the petitioner's guidance to the Prime Minister of India seeking to make Sikkim an independent country. We do not did any real substance in this submission. The crux of the allegation in ground Nos. 1 and 2 was that he was a leader of Naya Sikkim Party, that as the leader of the party he had addressed public meetings at various places and times condemning the merger of Sikkim with India, pleaded for the establishment of Sikkim as it existed prior to the merger and exhorted the people to fight against the Government of India to establish 'Sikkimese Sikkim'. If ground Nos. 3 and 4 are read in the background of ground Nos. 1 and 2, it is easy to see that the allegation that the petitioner sent a delegation and that the memorandum was presented under his guidance are both factual inferences drawn from the circumstance that the petitioner was the leader of Naya Sikkim Party and had in that capacity been pleading for and exhorting the people to fight for the establishment of a 'Sikkimese Sikkim'. It is not possible to hold that the inference was an unjustified inference in the circumstances of this case so as to make us conclude that there was no material whatsoever to sustain ground Nos. 3 and 4.

2. Another submission made before us was that while the last of the speeches mentioned in ground No. 1 was made in February 1985, the order of detention was passed in January 1986 and, therefore, the allegation must be considered to be so remote in point of time as to make it irrelevant. We do not agree with this submission. The speeches referred to in ground No. 1 are mentioned as a part of the continuous course of conduct brought out by the remaining grounds. Some other submissions of an insubstantial nature were also made and it is not necessary to refer to them.

3. The writ petition is, therefore, dismissed.

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