

Mrs. Nilima Priyadarshini

Vs

State of Bihar

Writ Petition (Criminal) No. 243 of 1987

(CJI R. S. Pathak, S. Natarajan, M. N. Venkatachalih JJ)

27.03.1987

ORDER

1. We are shocked that a matter arising out of an application bearing the dateline of November 21, 1986 (addressed to the Hon'ble Chief Justice of India) made by a woman who has complained of having been kept in illegal confinement against her wishes which appears to have been received in the Registry on January 15, 1987 has been placed before us for orders as late as two and a half months thereafter. It is making a mockery of the judicial process if a matter where a woman complains of illegal confinement is not treated as important enough to be placed before the court 'forthwith'. If a matter of this nature is not considered urgent enough for being listed on a priority basis, no other matter deserves to be listed on priority basis. We find that every other day matters where even the judgments of the lower courts are not filed and records are incomplete are placed before the court and we are required to adjourn the matters till all the documents are filed. When these matters which cannot be dealt with occupy a place on the list of the court elbow out really urgent matters and fruitlessly occupy the time of the court, it is a matter of great distress that matters of urgency like the present one are not posted for hearing. In view of the fact that a long time has already elapsed we are passing an urgent interim order ourselves today but we direct that this matter may be placed before the Hon'ble Chief Justice of India for taking suitable action against the officials who are found responsible for this delay and for considering whether it is necessary to devise any machinery to ensure that such aberrations are not repeated if the Hon'ble Chief Justice of India deems it appropriate to do.

2. As the letter is received in post we are not sure about the authenticity of the letter. Even so having regard to the seriousness of the allegations and the delay which has already taken place we cannot take any chance. Since we do not have sufficient time to call for a report from the judicial officer in charge of the court at the concerned place, we have to act immediately on the assumption that it is an authentic letter and the allegations are prima facie true, mindful as we are that it may be otherwise and it may not be authentic. We however cannot take any risk as liberty of Mrs. Nilu Priyadarshini could be stake. Accordingly, we direct Shri K. M. Tiwary, Advocate, resident of Bhuinyadih, P. S. Sitaramdara, Jamshedpur, Bihar, against whom the complaint is made, to produce Mrs. Nilu Priyadarshini immediately before the Additional Chief Judicial Magistrate, Jamshedpur, Bihar. We direct State of Bihar to ensure compliance through its police officers. The learned Addl. Chief Judicial Magistrate is directed to ascertain the true facts from Mrs. Nilu Priyadarshini in his chamber wherein he may keep only his stenographer or the Court Master present so that she can express herself without fear or pressure from any source. If the concerned Additional Chief Judicial Magistrate is satisfied that Mrs. Nilu Priyadarshini is being detained against her wishes he will set her at liberty forthwith and provide her police protection in order to escort her to the place where she wants to go. He will then make a report to this Court. The learned counsel for the State of Bihar

is present and is good enough to accept service of notice. He assures us that he will send a message to the concerned police officers to look into the matter personally and ensure that the liberty and safety of Mrs. Nilu Priyadarshini is not jeopardized.

3. The office will also place this matter before the court presided over by the Hon'ble Chief Justice of India for passing appropriate orders in the context of the observations made by us hereinabove latest by April 10, 1987.

4. The office will make available photostat copies of this order to the learned standing counsel for the State of Bihar latest by 1.00 p.m. on Saturday, March 28, 1987.

Court Master.

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