

SUPREME COURT OF INDIA

Noor Mohd.

Vs.

Union of India

(Ruma Pal and P.Venkatarama Reddi JJ.)

21.08.2003

ORDER

1. In this case the petitioner was convicted by the Sessions Judge, Jaipur on 9-10-2000 to serve the rigorous imprisonment of sentence of 10 years. He issue raised in the matter relates to the persons who have served their sentences and continue to be detained.

2. Detag this matter.

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3. The Union of India has not produced any records relating to the other nine petitioners.

4. However, there appears to be a contradiction between the statement contained in the petitions filed as well as the affidavit affirmed on behalf of the State of Rajasthan. According to the State of Rajasthan all the petitioners had completed serving sentence. But according to the petitioners themselves some of them are still serving sentences which have been imposed upon them by the Sessions Judge. The State of Rajasthan will check out this discrepancy and prepare a chart as to the position in respect of each of the petitioners.

5. as far as those petitioners are concerned, who have admittedly served out their sentences and are not detained in pursuance of any valid sentence by any competent authority or under any order under the Foreigners Act or otherwise, it is clear that they are entitled to be released. They have sought deportation and such prayer must be granted. However, the Union of India seeks time to ascertain the situation and pass appropriate orders under the Foreigners Act after applying its mind to each petitioner's case separately.

6. The matter is adjourned till Tuesday week.