

ITEM NO.303

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition (Criminal) No. 229/2019

SITARAM YECHURY

Petitioner

VERSUS

UNION OF INDIA & ANR.

Respondents

(FOR ADMISSION, IA No.127663/2019-GRANT OF INTERIM RELIEF and IA No. 127663/2019 - GRANT OF INTERIM RELIEF)

Date : 16-09-2019 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE S.A. BOBDE  
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner

Mr. Raju Ramachandran, Sr. Adv.  
Mr. Shadan Farasat, AOR  
Mr. Shanker Narayanan, Adv.  
Ms. Shruti Narayan, Adv.  
Ms. Jahnvi Sindhu, Adv.

For Respondents

for UOI

Mr. K.K. Venugopal, AG  
Mr. Tushar Mehta, SG  
Mr. Rajat Nair, Adv.  
Mr. Kanu Agrawal, Adv.  
Mr. Ankur Talwar, Adv.  
Mr. B.V. Balram Das, AOR

for State of J&K

Mr. Tushar Mehta, SG  
Ms. Shashi Juneja, Adv.  
Mr. Satyajeet Kumar, Adv. (AOR)

UPON hearing the counsel the Court made the following  
O R D E R

We have heard Mr. Raju Ramachandran, learned senior counsel for the petitioner and Mr. Tushar Mehta, learned Solicitor General.

Mr. Raju Ramachandran has placed before the Court

the Discharge Summary of Mr. Mohammad Yousuf Tarigami, dated 13.9.2019, issued by the All India Institute of Medical Sciences (A.I.I.M.S.), New Delhi. Though the same is not very legible and we are unable to read it, Mr. Raju Ramachandran has submitted that the A.I.I.M.S., after discharging Mr. Mohammad Yousuf Tarigami has advised him to report to A.I.I.M.S. or any hospital of convenience for follow up action after a month. According to Mr. Raju Ramachandran, Mr. Mohammad Yousuf Tarigami is presently in Jammu & Kashmir Guest House, New Delhi.

On being queried as to why he is in the Jammu & Kashmir Guest House at New Delhi, it is stated that it is not very clear as to whether he would be allowed to go back to his home in Srinagar, to which Mr. Tushar Mehta, learned Solicitor General has submitted that there are no restrictions for the aforesaid person to go back to Srinagar.

Mr. Mohammad Yousuf Tarigami will be at liberty to move to Srinagar as and when he feels that his health condition would enable him to undertake the journey.

Mr. Raju Ramachandran, learned senior counsel has prayed for certain directions with regard to the movement of Mr. Mohammad Yousuf Tarigami once he is in Srinagar. We do not think that any order in this regard is required to be passed at this stage, as the same would be in anticipation of some actions on the part of the State Government, which has not yet taken place. If the petitioner has any grievance in this regard i.e. movement in Srinagar, he would be free to approach the jurisdictional High Court or this Court, as advised. If he intends to move around any part of Srinagar, where there are restrictions or prohibitions

to move, he will be free to do so subject to requisite permission from the district authorities.

The writ petition is kept open for a decision on the validity of the alleged detention of the petitioner claimed to be without any authority of law with effect from 5.8.2019.

(Deepak Guglani)  
Court Master

(Indu Kumari Pokhriyal)  
Assistant Registrar