

Court No. - 9

Case :- HABEAS CORPUS WRIT PETITION No. - 299 of 2025

Petitioner :- Armaan Jaiswal

Respondent :- State Of U.P. Thru. Prin. Secy. Home, Lko. And Others

Counsel for Petitioner :- Vijay Prakash Chaurasia

Counsel for Respondent :- G.A.

Hon'ble Rajesh Singh Chauhan,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. In the morning, this case was taken up as a first case and the following order was passed:-

"1. This case has been taken up virtually but learned counsel for the petitioner namely Ms. Nisha Tiwari is not connected, however, her brief holder Sri Anshuman Singh, Advocate and Sri G.D. Bhatt, learned Additional Government Advocate for the State respondent are present.

2. This writ petition has been filed by the petitioner with the following prayers:-

"i. Issue a writ of Habeas Corpus, directing the Respondents to produce the Petitioner's father, Shri Shiv Kumar Jaiswal, before this Hon'ble Court forthwith:

ii. Upon production, direct that he be released immediately if found to be in illegal detention;

iii. Direct the Respondents to ensure adequate medical treatment to the detainee during the pendency of these proceedings:

iv. Direct initiation of disciplinary and criminal proceedings against the erring officials responsible for the illegal detention."

3. Sri G.D. Bhatt, learned A.G.A. has shown the instruction letter dated 15.08.2025 provided by one Agrachari Yadav, Sub Inspector/Investigating Officer, Police Station Aashiyana, District Lucknow, addressing to Government Advocate of this Court, the same is taken on record.

4. As per the aforesaid instruction, the detainee Shiv Kumar Jaiswal was called for the purposes of interrogation and his custody has been handed over to his brother Anil Kumar Jaiswal and that information has been registered vide Rapat No. 29 dated 14.08.2025 time 13.01 hours. Therefore, Sri Bhatt, learned A.G.A. has stated that this writ petition has been rendered infructuous for the reason that the reliefs prayed in the writ petition have already been exhausted.

5. Accordingly, this writ petition is dismissed being infructuous.

6. Consigned to the records."

2. Before signing the order, it has been informed by the Bench Secretary of this Court that an application through E-mail has been filed by one Ms. Nisha Tiwari, Advocate, making request that the aforesaid case be taken up again as she is willing to address the Court but could not join the Video Conferencing in the morning.

3. On the application filed by Ms. Nisha Tiwari, Advocate, the case has again been taken up at 2.45 PM.

4. On being verified from the paper book available before us, there is no Vakalatnama of Ms. Nisha Tiwari available on record, the only Vakalatnama available on record is of one Sri Vijay Prakash Chaurasiya. It has been informed that Ms. Nisha Tiwari is not a designated senior Advocate. Sri Anshuman Mishra, learned Advocate who is physically present before the Court submitted that he was instructed by Sri Vijay Prakash Chaurasiya, Advocate that one Ms. Nisha Tiwari would argue the case, though there is no Vakalatnama of Ms. Nisha Tiwari.

5. When the case was taken up, learned A.G.A. has informed that the detainee has been released as he was called by the Investigating Officer only for the purpose of interrogation. Ms. Nisha Tiwari though is not Advocate in the present case as she is not having Vakalatnama or authority letter on behalf of the detainee but stated that she has come to know that the detainee has been released, as such, the prayer nos. 1, 2 and 3 has now been rendered infructuous, however she pressed the prayer nos. 4 & 5.

6. For the convenience, the prayers of the petition are being reproduced herein below:-

"i. Issue a writ of Habeas Corpus, directing the Respondents to produce the Petitioner's father, Shri Shiv Kumar Jaiswal, before this Hon'ble Court forthwith:

ii. Upon production, direct that he be released immediately if found to be in illegal detention;

iii. Direct the Respondents to ensure adequate medical treatment to the detainee during the pendency of these proceedings:

iv. Direct initiation of disciplinary and criminal proceedings against the erring officials responsible for the illegal detention.

v. Issue appropriate writ granting reasonable compensation to the petitioner."

7. By means of Prayer No. 4, direction has been sought to initiate disciplinary and criminal proceedings against the erring officials responsible for the illegal detention and by means of Prayer No. 5, the compensation has been prayed.

8. At this stage, the learned A.G.A. has informed that the detainee Shiv Kumar Jaiswal has been released and his custody has been handed over to his brother namely Anil Kumar Jaiswal. Moreover, he himself got his statement recorded to that effect. The recorded statement has been shown to the Court from the Case Diary. As per the said statement of Shiv Kumar Jaiswal, he himself stated that one Saurabh Singh, son of Shatrughan Singh, got married with his daughter and that marriage was a love-marriage, wherein the detainee himself was instrumental but later on, the detainee came to know that said Saurabh Singh is already married. Consequently the divorce petition was filed before the competent Court. The detainee himself made a statement that he is so much fed up with the conduct of Saurabh Singh and sought appropriate action to be taken against Saurabh Singh. He has assured that he will cooperate in the investigation with the police officer/Investigating Officer and will be available for the recording of the statement as and when required. As per the learned A.G.A., after recording the aforesaid statement, he left the police station along with his brother.

9. In the wake of aforesaid development and on the basis of the material available on record, we are not inclined to grant relief nos. 4 & 5 prayed for in the petition as the aforesaid reliefs in the instant writ of Habeas Corpus are absolutely misconceived. However, for any such relief, the petitioner may approach the competent Court of law by filing an appropriate petition, in accordance with law.

10. Before parting with, we are afraid as to how any Advocate, who is not a Senior Advocate, appear in a case without having his/her Power/Vakalatnama or authority letter from his/her client and that very Advocate is not junior or senior

to the Advocate, who has filed Vakalatnama/Power in the case as this practice would be detrimental to the party or parties on behalf of whom he/she is addressing the Court. Notably, in this case, Ms. Nisha Tiwari Advocate, has appeared before this Court in the aforesaid manner on behalf of the petitioner-detenu. So this practice is seriously deprecated in the interest of justice.

11. Since the reliefs prayed in the writ petition may not be granted, therefore, we maintain our order, which was passed in the morning, whereby we have dismissed the writ petition being infructuous. Accordingly, the writ petition is ***dismissed being infructuous*** and the same is consigned to the records.

(Syed Qamar Hasan Rizvi, J.) (Rajesh Singh Chauhan, J.)

Order Date :- 20.8.2025

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