

IN THE SUPREME COURT OF INDIA

ORIGINAL CRIMINAL JURISDICTION

WRIT PETITION (CRIMINAL) NO. _____ OF 2019

(Writ Petition under Article 32 of the Constitution of India in
the nature of habeas corpus for production of Mohammad
Yousuf Tarigami.)

IN THE MATTER OF:

Sitaram Yechury

... Petitioner/Applicant

VERSUS

Union of India & Anr.

... Respondent(s)/Defendant(s)

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ADVOCATE FOR PETITIONER: SHADAN FARASAT

SYNOPSIS

The present Writ Petition under Article 32 of the Constitution of India is being filed by the Petitioner seeking the issuance of a writ in the nature of habeas corpus for the production of Mohammad Yousuf Tarigami (hereinafter "the detenu"). Mr. Tarigami, aged 72, has been illegally detained by the Respondents in the state of Jammu and Kashmir since 04.08.2019.

The Petitioner herein is the General Secretary of the Communist Party of India (Marxist) (hereinafter "CPI(M)"). The detenu is a member of the CPI(M) and was a Member of the Legislative Assembly of the State of Jammu and Kashmir at the time of its dissolution on 21.11.2018, representing Kulgam constituency as the CPI(M) candidate. He was also previously elected to the Assembly from 1996, 2002, and 2008 from Kulgam constituency.

The Respondent No. 1 is the Union of India through the Ministry of Home Affairs and the Respondent No. 2 is the State of Jammu and Kashmir through its Home Department.

The brief facts leading to the present Petition are as follows. The Petitioner last heard from the detenu on 04.08.2019 when the detenu was in Srinagar at his residence. The detenu informed the Petitioner that he was not in good health. Thereafter, all cellular and other telecommunication

services in the State of Jammu and Kashmir were suspended. The Petitioner, concerned about the health and well-being of his colleagues and members of his party in the state, made arrangements to travel to the state and to carry medicines for the detenu.

On 08.08.2019, the Petitioner wrote a letter to the Governor of the State of Jammu and Kashmir, by which he informed the Hon'ble Governor that he intended to travel to Srinagar from New Delhi on 09.08.2019 to visit the detenu and the other members of the CPI(M) unit in the state. The Petitioner requested the Governor to allow him to make the visit unhindered.

Despite the Petitioner having sent advance notice of his intention to visit the detenu to the Governor of the State, when the Petitioner travelled to Srinagar on 09.08.2019 as scheduled, the Petitioner was detained at the airport by security forces and not allowed to meet the detenu or to visit his family or to contact him in any way, even after having travelled from New Delhi to Srinagar for this express and admitted purpose. Immediately upon landing at Srinagar airport, the Petitioner was detained at the airport by the police and informed that they had orders not to allow the Petitioner to exit the airport and to ensure his return to New Delhi. The Petitioner informed the police that he had travelled with the

intention of meeting his unwell colleague and other colleagues in the CPI(M) unit in the state, and that he had a previously booked return ticket to New Delhi for the same date but the police still did not allow him to leave the airport. Upon asking to see the orders by which his movement into Srinagar was restricted, a District Magistrate was brought to the airport who informed the Petitioner that he had orders to restrict his entry to the city of Srinagar as it could cause "law and order problems".

The Petitioner had written a letter to the detenu. The security forces at the airport took the letter from the Petitioner, clearly indicating that they were aware of where the detenu was kept and were themselves capable of contacting him, but refused to disclose his whereabouts to the Petitioner. The Petitioner was forced to return to New Delhi without being able to leave Srinagar airport or learn anything about the whereabouts of the detenu.

The Petitioner wrote a letter to the President of India on 10.08.2019 detailing the events as narrated above. However, despite the Petitioner's attempts, the detenu has not been seen or heard from since 04.08.2019.

Therefore, the present facts and circumstances show that Mr. Tarigami, a member of the party of which the Petitioner is the General Secretary, has been unlawfully detained at an

undisclosed location in Jammu & Kashmir in total disregard of the procedure established by law.

The Petitioner further apprehends that there is a serious risk to the life and safety of the detenu, as the detenu has, in his political career spanning several decades, been opposed to the abrogation of Article 370 of the Constitution and has spoken publicly about his stance and the reasons for the same. As recently as on 30.06.2019, the detenu had given a statement to the national newspaper *The Hindu* in which he critiqued the stance of the ruling political party of the Union government on the issue and reiterated his belief that the accession of Jammu and Kashmir to India was based on the guarantees provided by Article 370. The detenu had defended the status of Jammu and Kashmir as under Article 370. As an important and influential voice from the state, the Petitioner has reason to apprehend that attempts may be made to silence the detenu in the current circumstances.

The Petitioner had placed faith in the Respondent to uphold the rule of law and therefore handed over the letter meant for the detenu and waited until now in the hope that the circumstances in the State of Jammu and Kashmir would be restored to normalcy, but there has been no change in circumstances even now, two weeks after the imposition of detentions and restrictions. Therefore, the Petitioner has been

constrained to file the present petition under Article 32 of the Constitution of India.

This Hon'ble Court has time and again upheld the liberty of individuals, through the writ of habeas corpus. In **State of Maharashtra & Ors. v. Bhaurao Punjabrao Gawande (2008) 3 SCC 613**, this Hon'ble Court while considering a case of preventive detention, reiterated the primacy of the right under Article 21 as follows:

"PERSONAL LIBERTY: PRECIOUS RIGHT"

23. There can be no doubt that personal liberty is a precious right. So did the Founding Fathers believe because, while their first object was to give unto the people a Constitution whereby a Government was established, their second object, equally important, was to protect the people against the Government. That is why, while conferring extensive powers on the Government like the power to declare an emergency, the power to suspend the enforcement of Fundamental Rights or the power to issue Ordinances, they assured to the people a Bill of Rights by Part III of the Constitution, protecting against executive and legislative despotism those human rights which they regarded as 'fundamental'. The imperative necessity to protect those rights is a lesson taught by all history

and all human experience. Our Constitution makers had lived through bitter years and seen an alien government trample upon human rights which the country had fought hard to preserve. They believed like Jefferson that "an elective despotism was not the government we fought for." And therefore, while arming the Government with large powers to prevent anarchy from within and conquest from without, they took care to ensure that those powers were not abused to mutilate the liberties of the people (*vide A.K. Roy v. Union of India*, (1982) 1 SCC 271; *Attorney General for India v. Amritlal Pranjivandas*, (1994) 5 SCC 54).

24. It has been observed in *R. v. Secy. of State for the Home Deptt. ex p Stafford* (1999) 2 AC 38 (1997) 1 WLR 503: "The imposition of what is in effect a substantial term of imprisonment by the exercise of executive discretion, without trial, lies uneasily with ordinary concepts of the rule of law".

HABEAS CORPUS: FIRST SECURITY OF CIVIL LIBERTY

25. The celebrated writ of habeas corpus has been described as "a great constitutional privilege" or "the first security of civil liberty". The writ provides a prompt and effective remedy against illegal detention.

By this writ, the Court directs the person or authority who has detained another person to bring the body of the prisoner before the Court so as to enable the Court to decide the validity, jurisdiction or justification for such detention. The principal aim of the writ is to ensure swift judicial review of alleged unlawful detention on liberty or freedom of the prisoner or detenu.”

In ***Ummu Sabeena v. State of Kerala* (2011) 10 SCC 781**, this Hon’ble Court reiterated the importance of the writ of habeas corpus as follows:

“14. Reference in this connection may be made to the Law of Habeas Corpus by James A. Scott and Charles C. Roe of the Chicago Bar (T.H. Flood & Company, Publishers, Chicago, Illinois, 1923) where the learned authors have dealt with this aspect in a manner which we should reproduce as we are of the view that the same is the correct position in law:

“A writ of habeas corpus is a writ of right of very ancient origin, and the preservation of its benefit is a matter of the highest importance to the people, and the regulations provided for its employment against an alleged unlawful restraint are not to be construed or applied with overtechnical nicety, and when

ambiguous or doubtful, should be interpreted liberally to promote the effectiveness of the proceeding. (Ware v. Sanders [146 Iowa 233 : 124 NW 1081 (1910)] .)”

15. In this connection, if we may say so, the writ of habeas corpus is the oldest writ evolved by the common law of England to protect the individual liberty against its invasion in the hands of the executive or may be also at the instance of private persons. This principle of habeas corpus has been incorporated in our constitutional law and we are of the opinion that in a democratic republic like India where Judges function under a written Constitution and which has a chapter on fundamental rights, to protect individual liberty the Judges owe a duty to safeguard the liberty not only of the citizens but also of all persons within the territory of India. The most effective way of doing the same is by way of exercise of power by the Court by issuing a writ of habeas corpus.

16. This facet of the writ of habeas corpus makes it a writ of the highest constitutional importance being a remedy available to the lowliest citizen against the most powerful authority (see Halsbury's Laws of England, 4th Edn., Vol. 11, para 1454). That is why it

has been said that the writ of habeas corpus is the key that unlocks the door to freedom (see The Common Law in India, 1960 by M.C. Setalvad, p. 38)."
(Emphasis supplied.)

That the continued detention of Mr. Tarigami is a blatant violation of his rights under Article 21 of the Constitution and therefore the Petitioner has been constrained to file the present Petition under Article 32 of the Constitution as it is the only efficacious remedy left to the Petitioner, due to the restrictions imposed by the Respondent in the State of Jammu and Kashmir. It is pertinent to mention here that the Petitioner has been constrained to file the present Petition on the basis of the limited information available to him despite his best efforts, due to the complete lack of verifiable information regarding the state of Jammu and Kashmir. Therefore, the Petitioner craves the leave of this Hon'ble Court to amend the present Petition at an appropriate time to incorporate such facts, circumstances, and grounds which could not be presented or taken at the present time.

LIST OF DATES & EVENTS

Date	Particulars
04.08.2019	The Petitioner last heard from Mr. Mohammad Yousuf Tarigami, the detenu. The detenu informed the Petitioner that he

was in ill health and required medical attention.

05.08.2019 All telecommunication services and other communication services to and from the State of Jammu and Kashmir were suspended by the Respondent.

08.08.2019 The Petitioner wrote a letter to the Governor of the State of Jammu and Kashmir indicating in advance his intent to travel to Srinagar to meet Mr. Tarigami and his other CPI(M) colleagues in the state unit, and requesting that his visit may not be hindered.

09.08.2019 The Petitioner travelled to Srinagar from New Delhi. The Petitioner was detained at a holding room at Srinagar airport by the police immediately after he landed, was not allowed to exit the airport, and was asked to return to New Delhi immediately. Upon asking to see the orders by which his movement into Srinagar was restricted, a District Magistrate was brought to the airport who informed the Petitioner that he had orders to restrict his entry to the city of

Srinagar as it could cause law and order problems.

The security forces at the airport took a letter addressed to the detenu from the Petitioner, clearly indicating that they were aware of where the detenu was kept and were themselves capable of contacting him, but refused to disclose his whereabouts to the Petitioner. The Petitioner was then forced to return to New Delhi without being able to leave Srinagar airport or learn anything about the whereabouts of the detenu.

10.08.2019 The Petitioner wrote a letter to the President of India detailing the events of 09.08.2019 when the Petitioner was detained at Srinagar airport.

19.08.2019 Two weeks after the commencement of the illegal detention, the detenu has still not been released. Hence, the present Petition.

IN THE SUPREME COURT OF INDIA**CRIMINAL ORIGINAL JURISDICTION****WRIT PETITION (CRL.) NO. _____ OF 2019**

(Writ Petition under Article 32 of the Constitution of India in the nature of habeas corpus for production of Mohammad Yousuf Tarigami.)

IN THE MATTER OF:

... **Petitioner**

VERSUS

1. Union of India through Secretary, Ministry of Home Affairs, South Block, New Delhi – 110001
2. State of Jammu and Kashmir, through its Principal Secretary, Home Department, R. No. 3/21, 3rd, Floor Main Building, Civil Secretariat, Jammu - 180001 and R. No. 462, 4th Floor, Civil Secretariat, Srinagar – 190001

... **Respondents**

**WRIT PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA IN THE NATURE OF HABEAS
CORPUS FOR PRODUCTION OF MOHAMMAD YOUSUF
TARIGAMI**

To,

The Hon'ble Chief Justice of India

And his companion Justices of the
Supreme Court of India

The humble Petition of the
Petitioner abovenamed

MOST RESPECTFULLY SHOWETH:

1. That the present Writ Petition under Article 32 of the Constitution of India is being filed by the Petitioner seeking the issuance of a writ in the nature of habeas corpus for the production of Mohammad Yousuf Tarigami (hereinafter "the detenu"), a citizen of India, who is a member of the Communist Party of India (Marxist) (hereinafter "CPI(M)") and was a Member of the Legislative Assembly of the State of Jammu and Kashmir at the time of its dissolution on 21.11.2018. Mr. Tarigami has been illegally detained by the Respondents in the state of Jammu and Kashmir since 04.08.2019.
2. That the brief facts leading to the present Petition are as follows:
 - 2.1. The Petitioner is the General Secretary of the CPI(M). Mr. Tarigami is aged about 72 years, and was elected as a Member of the Legislative Assembly of the State of Jammu and Kashmir as the CPI(M) candidate from the Kulgam constituency in the elections held to the said Assembly in 2014. He held the position until 21.11.2018

when the said Legislative Assembly was dissolved by the Governor of the state. Mr. Tarigami had previously been elected as an MLA from the same constituency in 1996, 2002, and 2008, at all times being the candidate of the CPI(M).

2.2. The Petitioner last heard from the detenu on 04.08.2019 when the detenu was in Srinagar at his residence at

The detenu informed the Petitioner that he was not in good health. Thereafter, all cellular and other telecommunication services in the State of Jammu and Kashmir were suspended. The Petitioner, concerned about the health and well-being of his colleagues and members of his party in the state, made arrangements to travel to the state and to carry medicines for the detenu.

2.3. On 08.08.2019, the Petitioner wrote a letter to the Governor of the State of Jammu and Kashmir, by which he informed the Hon'ble Governor that he intended to travel to Srinagar from New Delhi on 09.08.2019 to visit the detenu and the other members of the CPI(M) unit in the state. The Petitioner requested the Governor to kindly allow him to make the visit unhindered. A True Typed Copy of the Petitioner's letter to the Governor of the State

of Jammu and Kashmir dated 08.08.2019 is attached herewith as **Annexure P-1** at pages 16 to NIL.

On 09.08.2019, the Petitioner travelled to Srinagar from New Delhi as scheduled. However, upon landing at Srinagar airport, the Petitioner was taken to a holding room at Srinagar airport by the police and informed that they have orders not to allow the Petitioner to exit the airport and to ensure his return to New Delhi. The Petitioner informed the police that he had travelled with the intention of meeting his unwell colleague and other colleagues in the CPI(M) unit in the state, and that he had a previously booked return ticket to New Delhi for the same date but the police still did not allow him to leave the airport. Upon asking to see the orders by which his movement into Srinagar was restricted, a District Magistrate was brought to the airport who informed the Petitioner that he had orders to restrict his entry to the city of Srinagar as it could cause law and order problems. A True Copy of the Petitioner's statements on Twitter dated 09.08.2019 are attached herewith as **Annexure P-2** at pages 17 to 19.

2.4. The Petitioner had written a letter to the detenu. The officials/ security forces at the airport took the letter from the Petitioner, indicating that they were aware of the

whereabouts of the detenu and were taking the letter in order to deliver the same. The Petitioner was forced to return to New Delhi without being able to leave Srinagar airport or learn anything about the whereabouts of the detenu. A True Typed Copy of the Petitioner's letter to the detenu Mr. Mohammad Yousuf Tarigami dated 09.08.2019 is attached herewith as **Annexure P-3** at pages 20 to NIL.

2.5. The Petitioner wrote a letter to the President of India on 10.08.2019 detailing the events as narrated above. However, despite the Petitioner's attempts, the detenu has not been seen or heard from since 04.08.2019. A True Typed Copy of the Petitioner's letter to the President of India dated 10.08.2019 is attached herewith as **Annexure P-4** at pages 21 to 23.

2.6. Therefore, the present facts and circumstances show that Mr. Tarigami, a member of the party of which the Petitioner is the General Secretary, has been unlawfully detained at an undisclosed location in Jammu & Kashmir, and therefore the Petitioner has been constrained to file the present petition under Article 32 of the Constitution of India on the following, among other, grounds.

GROUND

- A.** That the Petitioner has reasonable grounds for believing that the detenu has been in the unlawful custody of the Respondents since 05.08.2019 in total disregard of the procedure established by law.
- B.** That despite the Petitioner having sent advance notice of his intention to visit the detenu to the Governor of the State, the Petitioner was not allowed to even leave the airport and attempt to meet the detenu or to visit his family or to contact him in any way, even after having travelled from New Delhi to Srinagar for this express and admitted purpose, which gives the Petitioner substantial reason to believe that the detenu is in unlawful custody.
- C.** That the police personnel at Srinagar airport took the Petitioner's letter intended for the detenu from him and agreed to have it delivered, which clearly indicates that they were aware of where the detenu was kept and were themselves capable of contacting him, but refused to disclose his whereabouts to the Petitioner.
- D.** That to the knowledge of the Petitioner, no order of detention under any lawfully imposed statute has been provided to the detenu or to his family by the Respondents and therefore the detention is further rendered illegal as the Respondents is keeping the detenu

in a state of *de facto* detention and is not in *de jure* custody.

- E.** That the Petitioner had placed faith in the Respondents to uphold the rule of law and therefore handed over the letter meant for the detenu and waited until now in the hope that the circumstances in the State of Jammu and Kashmir would be restored to normalcy, but there has been no change in circumstances even now, two weeks after the imposition of detentions and restrictions.
- F.** That this Hon'ble Court has held that the writ of habeas corpus is the safeguard of the liberty of an individual under Article 21 against an illegal violation of the right, in ***Ummu Sabeena v. State of Kerala (2011) 10 SCC 781***, as follows:

"14. Reference in this connection may be made to the Law of Habeas Corpus by James A. Scott and Charles C. Roe of the Chicago Bar (T.H. Flood & Company, Publishers, Chicago, Illinois, 1923) where the learned authors have dealt with this aspect in a manner which we should reproduce as we are of the view that the same is the correct position in law:

"A writ of habeas corpus is a writ of right of very ancient origin, and the preservation of its benefit

is a matter of the highest importance to the people, and the regulations provided for its employment against an alleged unlawful restraint are not to be construed or applied with overtechnical nicety, and when ambiguous or doubtful, should be interpreted liberally to promote the effectiveness of the proceeding. (*Ware v. Sanders* [146 Iowa 233 : 124 NW 1081 (1910)] .)”

15. In this connection, if we may say so, the writ of habeas corpus is the oldest writ evolved by the common law of England to protect the individual liberty against its invasion in the hands of the executive or may be also at the instance of private persons. This principle of habeas corpus has been incorporated in our constitutional law and we are of the opinion that in a democratic republic like India where Judges function under a written Constitution and which has a chapter on fundamental rights, to protect individual liberty the Judges owe a duty to safeguard the liberty not only of the citizens but also of all persons within the territory of India. The most effective way of doing the same is by way of exercise of power by the Court by issuing a writ of habeas corpus.

16. This facet of the writ of habeas corpus makes it a writ of the highest constitutional importance being a remedy available to the lowliest citizen against the most powerful authority (see Halsbury's Laws of England, 4th Edn., Vol. 11, para 1454). That is why it has been said that the writ of habeas corpus is the key that unlocks the door to freedom (see The Common Law in India, 1960 by M.C. Setalvad, p. 38)." (Emphasis supplied.)

- G.** In **State of Maharashtra & Ors. v. Bhaurao Punjabrao Gawande (2008) 3 SCC 613**, this Hon'ble Court while considering a case of preventive detention, reiterated the primacy of the right under Article 21 as follows:

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23. There can be no doubt that personal liberty is a precious right. So did the Founding Fathers believe because, while their first object was to give unto the people a Constitution whereby a Government was established, their second object, equally important, was to protect the people against the Government. That is why, while conferring extensive powers on the Government like the power to declare an emergency, the power

to suspend the enforcement of Fundamental Rights or the power to issue Ordinances, they assured to the people a Bill of Rights by Part III of the Constitution, protecting against executive and legislative despotism those human rights which they regarded as 'fundamental'. The imperative necessity to protect those rights is a lesson taught by all history and all human experience. Our Constitution makers had lived through bitter years and seen an alien government trample upon human rights which the country had fought hard to preserve. They believed like Jefferson that "an elective despotism was not the government we fought for." And therefore, while arming the Government with large powers to prevent anarchy from within and conquest from without, they took care to ensure that those powers were not abused to mutilate the liberties of the people (vide A.K. Roy v. Union of India, (1982) 1 SCC 271; Attorney General for India v. Amritlal Pranjivandas, (1994) 5 SCC 54).

24. It has been observed in R. v. Secy. of State for the Home Deptt. ex p Stafford (1999) 2 AC 38 (1997) 1 WLR 503: "The imposition of what is in

effect a substantial term of imprisonment by the exercise of executive discretion, without trial, lies uneasily with ordinary concepts of the rule of law".

HABEAS CORPUS: FIRST SECURITY OF CIVIL LIBERTY

25. The celebrated writ of habeas corpus has been described as "a great constitutional privilege" or "the first security of civil liberty". The writ provides a prompt and effective remedy against illegal detention. By this writ, the Court directs the person or authority who has detained another person to bring the body of the prisoner before the Court so as to enable the Court to decide the validity, jurisdiction or justification for such detention. The principal aim of the writ is to ensure swift judicial review of alleged unlawful detention on liberty or freedom of the prisoner or detenu." (Emphasis supplied.)

- H.** That the detention of the detenu is a clear and continuing violation of his rights under Article 21 of the Constitution and the Petitioner has been constrained to file the present Petition under Article 32 of the Constitution as it is the only efficacious remedy left to the Petitioner, due to the

restrictions imposed by the Respondents in the State of Jammu and Kashmir.

- I. That the Petitioner further apprehends that there is a serious risk to the life and safety of the detenu, as the detenu has, in his political career spanning several decades, been opposed to the abrogation of Article 370 of the Constitution and has spoken publicly about his stance and the reasons for the same. As recently as on 30.06.2019, the detenu had given a statement to the national newspaper *The Hindu* in which he critiqued the stance of the ruling political party of the Union government on the issue and reiterated his belief that the accession of Jammu and Kashmir to India was based on the guarantees provided by Article 370. The detenu had defended the status of Jammu and Kashmir as under Article 370. As an important and influential voice from the state, the Petitioner has reason to apprehend that attempts may be made to silence the detenu in the current circumstances.
3. That the Petitioner has not filed any other Petition before this Hon'ble Court or any other Court seeking the same or similar relief. The Petitioner has no other equally efficacious alternative remedy than to approach this Hon'ble Court by way of this Petition.

PRAYER

It is therefore most respectfully prayed that this Hon'ble Court may be pleased to:

- a. Issue a writ in the nature of habeas corpus or any other appropriate writ directing the Respondents to produce the detenu, Mr. Mohammad Yousuf Tarigami, before this Hon'ble Court; and/or
- b. Pass such other/ further orders as this Hon'ble Court may deem fit and proper in the interests of justice, equity, and the law.

**AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS
IS DUTY BOUND SHALL EVER PRAY.**

Drawn By:

Filed By:

Drawn On:

Filed On: 9

Shadan Farasat

Advocate for the Petitioner

IN THE SUPREME COURT OF INDIA

ORIGINAL CRIMINAL JURISDICTION

Crl. M. P. No. _____ OF 2019

IN

Writ Petition (Criminal) No. 229 OF 2019

IN THE MATTER OF:

Sitaram Yechury

... Petitioner/Applicant

VERSUS

Union of India & Anr.

... Respondent(s)/Defendant(s)

**AN APPLICATION FOR INTERIM RELIEF WITH
SUPPORTING AFFIDAVIT**

To,

The Hon'ble Chief Justice of India

And his companion Justices of the

Hon'ble Supreme Court of India

The humble application of the

applicant above named

MOST RESPECTFULLY SHOWETH:

1. That the Petitioner has filed the present petition under Article 32 of the Constitution of India seeking issuance of a writ of habeas corpus for the production of Mohammad Yousuf Tarigami (hereinafter "the detenu") who has been illegally detained by the Respondents in the state of Jammu and Kashmir since 04.08.2019. The Petitioner is

the General Secretary, CPI(M). The detenu is a member of the Communist Party of India (Marxist) (hereinafter "CPI(M)") and was a Member of the Legislative Assembly of the State of Jammu and Kashmir at the time of its dissolution on 21.11.2018.

2. That the contents of the accompanying petition may kindly be read as part and parcel of the present application and the same are not being repeated herein for the sake of brevity and convenience.
3. That the detenu Mr. Tarigami is aged about 72 years. Further, he suffers from a heart condition due to which he has a stent in his heart, chronic diabetes, and chest congestion and therefore requires specific and continuous medical treatment and care.
4. That the Petitioner has reason to believe that the physical health of the detenu has deteriorated and his medical conditions have been exacerbated, rendering him seriously unwell, and therefore the detenu requires to be shifted from Jammu and Kashmir to the All India Institute of Medical Sciences, New Delhi for urgent medical treatment.
5. That the present application is being made bona fide and in the interest of justice.

PRAYER

In light of the facts and circumstances stated above, it is humbly prayed that this Court may be pleased to:

- a. Pass an order directing the Respondents to release the detenu Mr. Mohd Yousuf Tarigami and shift him to the All India Institute of Medical Sciences, New Delhi for urgent medical treatment; and/or
- b. Pass any other or further order(s)/direction(s) as may be deemed fit and proper in the interest of justice.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IS DUTY BOUND SHALL EVER PRAY.

Drawn By:

Filed By:

Shadan Farasat, Advocate

Shruti Narayan, Advocate

Place: New Delhi

SHADAN FARASAT

Filed On: 22.08.2019

ADVOCATE FOR THE APPLICANT