

ITEM NO.2

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 and IA No.127663/2019-GRANT OF INTERIM RELIEF)

Date : 28-08-2019 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. Shankar Narayanan, Adv.
Ms. Jahnvi Sindhu, Adv.
Ms. Shruti Narayan, Adv.

For Respondents

for UOI

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

for State of J&K

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

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

The petitioner is the General Secretary of the Communist Party of India (Marxist). The present petition has been filed seeking the production of Mr. Mohammad Yousuf Tarigami, who is member of the

Party and an erstwhile elected member of the Jammu & Kashmir Legislative Assembly. The petitioner complains that inspite of best efforts, he has not been able to enquire about the welfare of his said colleague and his attempt to meet him personally by going to the State of Jammu & Kashmir has also not succeeded, as he has been refused entry into the State.

The petitioner further states that his friend and colleague party member - Mr. Tarigami is not in good health and in fact, our attention has been drawn to an interim application filed by the petitioner seeking orders from the Court for bringing Mr. Tarigami to the All India Institute of Medical Sciences (A.I.I.M.S.), New Delhi, for better medical facilities.

Before we pass any final orders in the writ petition, we had asked the learned counsel for the petitioner as to whether under orders of the Court, the petitioner would like to go to Jammu & Kashmir to meet Mr. Tarigami, so as to ascertain his whereabouts and welfare; the present state of his health and whether he needs specialised medical treatment according to medical opinion.

On due consideration, we permit the petitioner to travel to Jammu & Kashmir for the aforesaid purpose and for no other purpose.

We make it clear that if the petitioner is found to be indulging in any other act, omission or commission save and except what has been indicated above i.e. to meet his friend and colleague party member and to enquire about his welfare and health condition, it will be construed to be a violation of this Court's order.

Learned counsel for the petitioner, at this

stage, undertakes that the petitioner will go to Jammu & Kashmir only for the purpose specified in the present order.

We direct Mr. Imtiaz, Senior Superintendent of Police, Security in the State of Jammu & Kashmir to facilitate the travel and help the petitioner in locating the whereabouts of Mr. Tarigami, the petitioner's friend and colleague party member, if required.

No sooner the petitioner comes back to Delhi, he will file a report supported by an affidavit in connection with the purpose of the visit as indicated in this order.

(Deepak Guglani)
Court Master

(Anand Prakash)
Court Master