Item No.203
Advance list

IN THE HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR

CM No.561/2020 in WP(Crl) No.617/2019

Omer Akbar Mir   …Petitioner(s)

     Through: Mr. B. A. Tak, Advocate..

     V/s

UT of J&K & Ors.   …Respondents

     Through: Mr. Asif Maqbool, Dy. AG.

CORAM: Hon'ble Mr Justice Sanjay Dhar, Judge.

(ORDER)
21.09.2020

This is an application seeking a direction for shifting of detenue from District Jail, Bhaderwah to District Jail Baramulla or Central Jail, Srinagar, so as to enable the detenue to Omer Akbar Mir S/o Mohammad Akbar Mir R/o Mir Mohalla Brath Kalan Sopore Tehsil Bomai District Baramulla commencing from 22nd of September, 2020.

It is contended that the detenu has to appear in Class 12th examination for which revised date sheet has been issued. It is submitted that in case the petitioner is not permitted to appear in the examination, he would lose one year of his career.

Upon verification, learned counsel for the respondents has certified that the examination of the detenue is going to take place from 22nd of September, 2020.

In view of the submissions made and the documents placed on record, I am of the view that a person under detention cannot be prevented from taking the examination, unless there are pressing

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integrity of this document

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circumstances, which may even involve the security of the detenu itself.

Be that as it may, I find merit in the submissions of the learned counsel for the petitioner and, accordingly, allow this application. The respondents are directed to make requisite arrangements to facilitate appearance of the detenu in examination scheduled from 22nd of September, 2020.

Main petition be listed on **12.10.2020**. By that date, respondents shall file the counter affidavit.

Copy of this order be provided to the learned counsel for the petitioner through available mode.

(Sanjay Dhar)
Judge

Srinagar
21.09.2020
"Bhat Altaf, PS"