

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

RECORD OF PROCEEDINGS

WRIT PETITION (CRL.) NO.128 OF 2005

SURAM CHAND

Petitioner(s)

VERSUS

STATE OF J.&K. & ORS.

Respondent(s)

(FOR FINAL DISPOSAL)

Date: 30/08/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner(s)

Prof. Bhim Singh, Adv.

Mr. B.S. Nillowria, Adv.

Mr. Manzoor Ali Khan, Adv.

Mr. P.V. Yogeswaran, Adv.

For Respondent(s) Mr. Anis Suhrawardy, Adv.

UPON hearing counsel the Court made the following

O R D E R

It is unfortunate that despite an earlier order of this C

ourt quashing

f the State the order of detention, primarily on account of lapses on the part o

ence to establish in not producing before this Court the relevant evid

has again been compliance of statutory requirements, the same mistake

find to committed by the State which has filed a counter affidavit which we

nseel for the State be wholly unsatisfactory and for the same reasons. Cou

davit. He submits that he should be given an opportunity to file a better affi

we do not wish to has, no doubt, produced before us the original file but

file which is comment at this stage on any matter contained in the not

brought out in the pleadings of the parties

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before us. We therefore grant to the State of J & K 7 days' time to file a proper return after serving a copy of the same on the counsel for the

petitioner. The petitioner is granted 7 days' time thereafter to file rejoinder affidavit if so advised. Put up this matter on 15th September, 2005.

In view of the fact that the State has not shown any diligence in the matter despite the earlier order of this Court, we impose cost of Rs.25,000/- to be paid by the State of J & K to the petitioner.

(A.S. BISHT)

COURT MASTER

(VIJAY DHAWAN)

COURT MASTER