

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.296 OF 2005

(For Prel. Hearing)

IN RE.:

ILLEGAL DETENTION OF MACHAL LALUNG

Date: 11/11/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

By Post

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

This petition has been taken up on a letter dated 14th Oct
ober,
2005, addressed by Mr. Arunabh Choudhary, advocate, bringing to
the

notice of this Court the newspaper report of Indian Express, Delhi Edition, dated 14th October, 2005, carrying a story of one person called, Machal Lalung, said to be an inhabitant of village Mikir Chuburi, District Morigaon, Assam. According to that report, the said person was arrested in the year 1951 for the offence under Section 326 of the Indian Penal Code for voluntarily causing grievous hurt when he was twenty three years of age. He was found mentally unstable to

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stand trial and was sent to Lokopriya Gopinath Bordoloi Mental Hospital, Tezpur, Assam, where he continued to languish as an under-trial prisoner for fifty four years, despite the fact that he was declared fit by the hospital authorities and his rehabilitation was complete way back in the year 1967. According to the report, during all these fifty four years, it was reported that he was an under-trial and his case never came up for hearing and all these years, he continued in judicial custody. Further, it appears that, after the intervention of the National Human Rights Commission, Machal Lalung was released from jail in July, 2005, on a personal bond of Rupee one. According to the newspaper report, he and his family members are illiterate and do not know the mechanism for seeking redressal from the court for enforcement of their rights, which is further compounded by the fact that they are staying in an interior area in the State of Assam, belong to socially and economically disadvantageous category and are poverty-stricken and, thus, not in a position to approach the court. Under the aforesaid circumstances, the matter deserves to be further examined.

Accordingly, we issue notice to the State of Assam, through its Chief Secretary. We also issue notice to the Registrar General of the Gauhati High Court. The State and the Registrar General would look into the matter and file requisite affidavits placing on record the factual position both in regard to the confinement of Machal Lalung in jail for all these years and for his case not having come up before the High Court. The affidavits

shall be filed within two weeks on receipt of the copy of this order, which shall be forwarded forthwith.

The petition is adjourned for three weeks.

[T.I. Rajput]

Court Master

[V.P. Tyagi]

Court Master