

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

Petition(s) for Special Leave to Appeal (Civil) No.7436/1999

(From the judgement and order dated 24/12/1998 in COCP 104/92
of The HIGH COURT OF GAUHATI)

ROMILA HAZARIKA

Petitioner (s)

VERSUS

U.O.I. & ORS

Respondent (s)

(With appln(s). for directions and office report)
(For Final Disposal)

Date : 31/01/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE DR. JUSTICE AR. LAKSHMANANFor Petitioner (s) Mr. Kailash Vasdev, Sr.Adv.
Mr. Rajiv Mehta.,Adv.
Mr. B Aggarwala, Adv.For Respondent (s) Mr. Mukul Rohtagi, ASG
Mr. Ajay Sharma, Adv.
Mr. R.N. Poddar, Adv.
Mr. Shreekant N. Terdal,Adv.
Mr. Shail Kumar Dwivedi,Adv.
Mr. B.V. Balaram Das,Adv.

Mr. V.K. Sidharthan, Adv.
for M/s. Corporate Law Group, Advvs.UPON hearing counsel the Court made the following
O R D E R.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2On 5th November, 1991 one Dambarudhar Hazarika,
aged 18 years, brother of the petitioner herein was taken
into custody by the Army from his residence. Alongwith
...2/-him certain some other boys were also taken into custody.
It appears that subsequently the other boys, who were

arrested alongwith Dambarudhar Hazarika, were released. However, the brother of the petitioner did not turn up to the house. It is at this stage enquires were made, but he was not traceable. It is under such circumstances certain legal proceedings were taken up by the petitioner. During such proceedings it transpired that the version of the Army was that the boy was released and was given to the custody of the Police. However, the Police stated that although the custody was given, but subsequently one of the members of the Armed Forces (Maj.K.K. Sinha) took the boy with him in the vehicle saying that he was going to drop the boy at Bamunbari and proceeded towards Morau. However, this part of the entry was disputed by the Army. As a matter of fact, the boy till date is not traceable.

It is under such circumstances, we feel it appropriate that this matter be sent to the Human Rights Commission, New Delhi for further investigation. We order accordingly. The matter stands disposed of. It will, however, be open to the parties to approach this Court for appropriate direction if any cause of action arises.

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(Alka Dudeja)
Court Master

(S. Krishnan)
Court Master