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SLP(Crl.)No. 3839 OF 1999
ITEM No.202

Court No. 9

SECTION IIA
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Crl.) No. 3839/1999

(From the judgement and order dated 23/10/1997 in HCP 1118/96
of The HIGH COURT OF MADRAS)

ZAINAB SULAIHA

Petitioner (s)

VERSUS

JT.SECY, MINISTRY OF FINANCE &REV.&ORS Respondent (s)
(With Appln(s). for exemption from filing c/c of the impugned Judgment
and directions and office report)
(For Final Disposal)

Date : 01/08/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s) Mr. K.K. Mani, Adv.
Mrs. Manika Pandey, Adv.

For Respondent (s) Mr. P.P. Malhotra, Sr. Adv.
Mr. Syed Naqvi, Adv.
Mr. K.K. Dhawan, Adv.
Mr. B.K. Prasad, Adv.
Mr. P. Parmeswaran, Adv.

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

Heard learned counsel for the parties for fifteen minutes.

Leave granted.

The appeal stands disposed of in terms of the signed order. There will be no order as to costs.

(K.K. Chawla)
Court Master

(Jasbir Singh)
Court Master

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2003
(ARISING OUT OF SLP (CRL.) NO.3839 OF 1999)

ZAINAB SULAIHA

Appellant (s)

VERSUS

JT.SECY, MINISTRY OF FINANCE &
REV.& ORS Respondent (s)

O R D E R

Leave granted.

Heard parties.

This appeal is against the orders dated 23rd October, 1997 and 14th July, 1999 by which the High Court has dismissed the writ petition on the sole ground that as the period of detention was over, the petition has become infructuous. In our view, even though the period of detention may be over, a writ petition challenging an order of detention does not become infructuous. An order of detention can also have further consequences. Proceedings under SAFEMA could follow. We, therefore, set aside the impugned order and remit the matter back to the High Court for a decision on merits. It will be open to the parties to urge all contentions before the High Court including the contention that a second writ petition was not maintainable.

The appeal stands disposed of. There will be no order as to costs.

.....J.
(S.N. Variava)

.....J.
(H.K. Sema)
New Delhi;
August 01, 2003