

ITEM NO.11

COURT NO.1

SECTION II-B

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(s).5777/2017

(Arising out of impugned final judgment and order dated 24-05-2017 in WPCRL No.297/2016 passed by the High Court of Kerala at Ernakulam)

SHAFIN JAHAN

Petitioner(s)

VERSUS

ASOKAN K.M. & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.53766/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.53788/2017-INTERVENTION/IMPLEADMENT and IA No.53764/2017-PERMISSION TO FILE SLP and IA No.53789/2017-APPROPRIATE ORDERS/DIRECTIONS and IA No.53767/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.71492/2017-APPROPRIATE ORDERS/DIRECTIONS and IA No.73105/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.73106/2017-EXEMPTION FROM FILING O.T.ONLY OFFICE REPORT FOR DIRECTIONS IS LISTED AGAINST THIS MATTER and IA No.93201/2017-RECALLING THE COURTS ORDER and IA No.98814/2017-INTERVENTION/IMPLEADMENT and IA No.98825/2017-CLARIFICATION/DIRECTION[TO BE TAKEN UP AT 2.00 P.M.] and IA No.101576/2017-INTERVENTION/IMPLEADMENT and IA No.101578/2017-APPROPRIATE ORDERS/DIRECTIONS and IA No.101703/2017-INTERVENTION/IMPLEADMENT and IA No.101704/2017-CLARIFICATION/DIRECTION and IA No.101711/2017-INTERVENTION/IMPLEADMENT and IA No.101712/2017-CLARIFICATION/DIRECTION and IA No.102005/2017-APPROPRIATE ORDERS/DIRECTIONS and IA No.110756/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 30-10-2017 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr.Kapil Sibal, Sr.Adv.
Mr.Dushyant Dave, Sr.Adv.
Mr.Haris Beeran, Adv.
Mr.Mushtaq Salim, Adv.
Mr.Usman Ghani Khan, Adv.

Mr.Dev Prakash, Adv.
Mr.Naseer K.C., Adv.
Mr.K.P.Mohamed Shareef, Adv.
Ms.Pallavi Pratap, AOR

For Respondent(s)

Mr.Maninder Singh, ASG
Mr.Nalin Kohli, Adv.
Col.R.Bala, Adv.
Mr.Harish V.Shankar, Adv.
Mr.Prabhas Bajaj, Adv.
Ms.Nisha Mohandas, Adv.
Mr.Ankit Roy, Adv.
Mr.Akshay Amritanshu, Adv.
Mr.B. V. Balaram Das, AOR

Mr.Shyam Divan, Sr.Adv.
Ms.Madhvi Divan, Adv.
Mr.A. Raghunath, AOR
Mr.C.Rajendran, Adv.
Mr.M.G.Yogamaya, Adv.

Mr.V.Giri, Sr.Adv.
Mr.C. K. Sasi, AOR
Mr.M.Krishnan, Adv.

Mr.P. A. Noor Muhamed, AOR

Mr.P. V. Dinesh, Adv.
Ms.Sindhru T.P., Adv.
Mr.Bineesh K., Adv.
Mr.R.Beriwal, Adv.
Ms.Arushi Singh, Adv.

Ms.Aishwarya Bhati, Adv.
Mr.Amit Verma, Adv.
Mr.T.Gopal, Adv.
Ms.Tanuja P., Adv.
Mr.Vishwajeet Singh, Adv.
Mr.Aman Singh Brar, Adv.

Gp. Capt. Karan Singh Bhati, Adv.
Mr.Jaideep Singh, Adv.
Ms.Ritu Apurva, Adv.
Ms.Heena Khan, Adv.
Mr.Adarsh Tiwari, Adv.

Ms.Sarupama Chaturvedi, Adv.
Mr.B.N.Dubey, Adv.
Mr.Kumar Gaurav, Adv.

Smt.Giffara S., Adv.
Mr.P.A.Noor Muhamed, Adv.

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

Having heard learned counsel for the parties, we are inclined to modify the order dated 16.08.2017 and accordingly direct the presence of the daughter of the first respondent at 3.00 P.M. on 27.11.2017. We may further add that this Court shall speak to her not in camera but in open Court.

We will be failing in our duty if we do not note the submission of Mr.Maninder Singh, learned Additional Solicitor General appearing on behalf of the National Investigation Agency and Mr.Shaym Divan, learned senior counsel appearing for the first respondent that in a case of the present nature when there is material with regard to a pattern of indoctrination, the choice of the person should not be treated as absolute for guiding the jurisdictional spectrum of habeas corpus. It is additionally urged that having regard to the antecedents of the petitioner (who claims to be the husband of the daughter of the first respondent) and his association with Popular Front of India, his should not be straight away allowed on the basis of the interaction with the lady until the larger issue is decided. The larger issue that has been focused is centered on the antecedents of the petitioner and his association with Popular Front of India. Be it stated that we have noted the submission of Mr.Shyam Divan, learned senior counsel as he has urged it today. Mr.Kapil Sibbal, learned senior counsel for the petitioner has, however, objected to the allegations made against the petitioner.

Mr. Shyam Divan, learned senior counsel undertakes that the first respondent shall produce his daughter before this Court at the time and date fixed by this Court i.e. 27.11.2017 at 3.00 P.M.

Any interim protection that was given to the family of respondent No.1 shall continue until further orders.

List on 27.11.2017 at 3.00 P.M.

(SATISH KUMAR YADAV)
AR-CUM-PS

(H.S. PARASHER)
ASSISTANT REGISTRAR