



Serial No.01
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WPC Habeas Corpus No.1/2025

Date of Order : 20.02.2025

Shri Ujjwal Kumar Sharma

..... Petitioner

Vs.

1. The State of Meghalaya represented by its Chief Secretary, Government of Meghalaya.

2. The Director General of Police, Meghalaya Police, Shillong.

3. The State of Meghalaya through the Secretary to the Government of Meghalaya, Home Department, Shillong.

4. The Superintendent of Police, Nongpoh, Ri-Bhoi District, Meghalaya.

5. The Superintendent of Police, Tura, West Garo Hills District, Meghalaya.

6. The Superintendent of Police, Ampati, South West Garo Hills District, Meghalaya.

7. The Officer-in-Charge, Women Police Station Tura, West Garo Hills District, Meghalaya.

8. The Officer-in-Charge, Khanapara Police Station, Ri-Bhoi District, Nongpoh.

9. The Officer-in-Charge, Ampati Police Station, South West Garo Hills District.

..... Respondents

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner

: Dr. N. Mozika, Sr.Adv with
Mr. Philemon Nongbri, Adv

For the Respondents

: Mrs. N.G. Shylla, PP with
Mr. J.N. Rynjah, GA



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| i) | Whether approved for reporting in Law journals etc.: | Yes |
| ii) | Whether approved for publication in press: | No |

Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

This is an application under Article 226 of the Constitution of India praying for issuance of a writ in the nature of habeas corpus.

The ground urged by Dr. N. Mozika, learned senior counsel for the petitioner, was that his client was detained by the police for a period of over 24 hours from the time of detention (which according to learned senior counsel, was also to be reckoned to be the time when the petitioner was arrested) without being produced before any court. Furthermore, the police was trying to harass the petitioner by moving him across different police stations and trying to accuse him of having committed other offences and saddle him with new charges.

Now, it appears from the submission made by learned senior counsel for the petitioner as well as Mrs. N. Shylla, learned public prosecutor that the accused has been produced in Court.



The Court entertains a writ petition in the nature of habeas corpus when it is brought to the notice of the Court that a person has been taken in custody or detained by the authorities and his whereabouts have not been disclosed by them or they are unknown. It is on proof of that cause of action that the court issues a writ to the authorities to produce that person in court to ascertain whether he is dead or alive and if alive, in what state the detaining authority has kept him.

Since now the accused has been produced before the court, the alleged cause of action in this habeas corpus writ does not survive.

We dispose of this writ with the observation that in the changed circumstances, the writ petitioner would be free to take any appropriate legal proceedings concerning the detention or production after detention before the court or any other matter relating to the alleged offences that the petitioner is or may be accused of, in an appropriate jurisdiction.

All points are kept open.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice