Sr. No. 64

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

Case No.:- HCP No. 113/2024
CM No. 4880/2024

Radhey Sham @ Shamu, age 24 years S/o Lt Som Dutt R/o Shahzadpur Tehsil Ramgarh District Samba through his wife Arti Devi W/o Radhey Sham age 23 years R/o Shahzadpur Tehsil Ramgarh District Samba

…..Petitioner(s)

Through: Mr. Nitin Verma, Advocate.

Vs

1. The Union Territory of Jammu & Kashmir through Commissioner/Secretary (Home) Civil Secretariat Jammu/Srinagar.
2. The District Magistrate, Samba.
3. The Senior Superintendent of Police, Samba.
4. The Superintendent District Jail, Kathua.

….. Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
21.08.2024

1. This petition seeking writ of habeas corpus has been filed by the petitioner acting through his wife-Arti Devi.

2. The petitioner has been detained pursuant to a preventive detention order No. 07/PSA of 2024 dated 26.03.2024 on account of his alleged activities being found prejudicial to the maintenance of public order. The petitioner has been detained and kept in the District Jail, Kathua.

3. This petition ought to have been filed by the petitioner under his own signature and not acting through his wife given the fact that the nature of the grounds of detention can only be given from the personal knowledge of the petitioner whereas in the petition it has not been averred by his wife that she met the petitioner and sought his instructions on fact side to make the averments as made in the writ petition.

4. This petition is, therefore, allowed to be withdrawn by the counsel for the petitioner with liberty to file fresh writ petition bearing signature and authority from the petitioner himself.

5. Disposed of accordingly.

(RAHUL BHARTI)
JUDGE

JAMMU
21.08.2024
Naresh/Secy.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
सत्यमेव जयते

Naresh Kumar
2024.08.22 17:36
I attest to the accuracy and
integrity of this document