

ITEM NO.14

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
RECORD OF PROCEEDINGS

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

Date : 27-11-2017 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.
Ms. Indira Jaising, Sr. Adv.
Mr. Haris Beeran, Adv.
Mr. Mushtaq Salim, Adv.
Mr. Usman Khan, Adv.
Mr. Dev Prakash, Adv.
Ms. Pallavi Pratap, AOR

For Respondent(s) Mr. Maninder Singh, ASG
Mr. R. Balasubramanian, Adv.
Mr. Nalin Kohli, Adv.
Mr. Harish V. Shankar, Adv.
Mr. Santosh Kr. Pandey, Adv.
Mr. Prabhas Bajaj, Adv.
Ms. Aarti Sharma, Adv.
Ms. Nisha Mohandas, Adv.
Mr. B. V. Balaram Das, AOR

Mr. Shyam Divan, Sr. Adv.
Ms. Madhavi Divan, Adv.
Mr. A. Raghunath, AOR
Mr. C. Rajendran, Adv.

Ms. M.G. Yogamaya, Adv.
Ms. Usha Nandini, Adv.

Mr. V. Giri, Sr. Adv.
Ms. Nayantara Roy, Adv.
Mr. Manu Krishnan, Adv.
Mr. Amith Krishnan, Adv.
Svadha Shankar, Adv.
Mr. Krishna Dev J., Adv.
Mr. Manav Vohra, Adv.
Mr. Baij nath Patel, Adv.
Mr. C. K. Sasi, AOR

Mr. P. A. Noor Muhamed, AOR
Mr. Shajahan Islam, Adv.
Ms. Giffara S., Adv.

Mr. P. V. Dinesh, AOR

Ms. Aishwarya Bhati, AOR
Mr. Jaideep Singh, Adv.
Mr. T. Gopal, Adv.
Mr. Vishwajeet Singh, Adv.
Mr. Prerna Kumari, Adv.
Mr. Dhirendra Parmar, Adv.
Mr. Sushil Tomar, Adv.

Gp. Capt. Karan Singh Bhati, AOR
Mr. Rakesh Mudgal, Adv.
Mr. Brajesh Kumar, Adv.
Mr. Kailash Mudgal, Adv.

Ms. Swarupama Chaturvedi, AOR

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

Heard Mr. Kapil Sibal and Ms. Indira Jaising, learned senior counsel for the petitioner, Mr. Maninder Singh, learned Additional Solicitor General for the NIA, Mr. Shyam Divan, learned senior counsel for respondent no.1 and Mr. P.A. Noor Muhamed, learned counsel for respondent nos.7 and 8.

The matter was heard at length, keeping in view our earlier order dated 30th October 2017. At present, we intend

to pass a brief interim order, keeping open all the issues that were raised and stated in the previous order.

Mr. Shyam Divan, learned senior counsel for the first respondent, pressed his application (Crl.M.P.No.124312 of 2017) and submitted that the Court should interview Akhila @ Hadiya in camera and not in open Court. During the course of hearing, the debate continued in many a sphere but, as stated earlier, today we are not inclined to dwell upon the same but keep the matter pending.

After due deliberation, we thought it appropriate to interact with Akhila @ Hadiya and we have accordingly interacted with her in Court. We were told that though she can communicate in English, she may not be able to effectively articulate in that language. Hence, we requested Mr. V. Giri, learned senior counsel, who also represents the State of Kerala to assist in translating the questions posed to her in Court and the answers given by her.

The range of questions that we posed basically pertained to her qualifications, interest in studies, perception of life and what she intends to do in future. In response to our queries, she responded by stating that she has passed Class X from Higher Secondary School in K.V. Puram, Vaikom in Kottayam District and thereafter she was prosecuting her BHMS course in Shivaraj Homeopathy Medical College in Salem in the State of Tamil Nadu. She has also stated that she intends to continue her internship/housemanship which she had left because of certain reasons and her ambition is to become a full-fledged homeopathic doctor. She has expressed her desire to stay in the hostel and complete the course in the said college, if a seat is made available.

In the above view, we direct, as desired by her, that she be taken to Salem so as to enable her to pursue her internship/housemanship. We also direct the college to admit her and to allow the facility of a room or a shared room in the hostel as per practice to enable her to continue her internship/housemanship afresh. Be it stated, she herself has stated that the duration of the internship/housemanship is likely to be for 11 months. If any formality is to be complied with, the college shall communicate with the university and the university shall accede to the same. Our directions are to be followed in letter and spirit by all concerned. Needless to say, when she stays in the hostel, she will be treated like any other student and will be guided by the hostel rules. If necessary, the expenses for pursuing the course and for the hostel shall be borne by the State of Kerala. The Dean of the College shall approach this Court if there is any problem with regard to any aspect. 'Any problem' does not mean, admission in the hostel or continuance in the course.

We direct the State of Kerala to make all necessary arrangements so that she can travel to Salem at the earliest. She has made a request that she should be accompanied by policewomen in plainclothes. The State shall attend to the prayer appropriately. If any security problem arises, the State of Tamil Nadu shall make local arrangements for the same. We have been told that she is presently staying in Kerala Bhawan at New Delhi. Mr. V. Giri, learned senior counsel assures this Court that she shall be permitted to stay in Kerala Bhawan till she moves to Salem.

We make it clear that the NIA investigation shall continue in accordance with law.

**Let the matter be listed in the 3rd week of January
2018.**

**(Chetan Kumar)
Court Master**

**(H.S. Parasher)
Assistant Registrar**