

THE GAUHATI HIGH COURT

High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram,  
Arunachal Pradesh.  
Civil Appellate Side

Civil Rule No. 1847/89.

Mr. Bogyi

Petitioner

*Versus*

Union of India

Respondent

PRESENT

Hon'ble the Chief Justice

Hon'ble Mr. Justice Phuken

For the Petitioner:- Mr. Nandita Haksar  
Mr. N. Kotehwar Singh,  
Mr. Hrishikesh Roy,  
Mr. D. Dass, advs.

For the Respondent:-

17. 11. 89

ORDER

Heard Ms N. Haksar, learned counsel for the petitioner. Heard also the learned Advocate General Manipur and SK. Chand Mahammad, Senior Central Govt. Standing counsel.

The petitioner who is an undertrial prisoner has approached us for allowing him to go to Delhi to seek political asylum from United Nations High Commissioner for Refugees, New Delhi, in view of the circumstances stated in the petition. It is stated in the petition that the petitioner apprehended that on expiry of his detention if he is deported to Burma his life would be in danger. Therefore the petitioner prays for granting of an opportunity to enable him to make attempt to obtain political asylum.

We therefore direct the respondents to release the petitioner on furnishing security to the satisfaction of the Magistrate at Imphal. The petitioner shall be so released for a period of two months. The petitioner

shall during the period of two months, be entitled to visit Delhi for making necessary arrangements. Immediately on reaching Delhi the petitioner shall report to the Officer-in-charge, Parliament Street Police Station, New Delhi. If he is successful in obtaining necessary permission to qualify as a refugee, he shall be released forthwith and need not serve out the sentence, if any. This fact shall be communicated by this court to the officer-in-charge, Parliament Street Police station, New Delhi-1. In the event within the aforesaid period he does not get the status of a refugee he shall surrender before the learned Magistrate at Imphal to serve out the remaining sentence, if any.

The State Government is given the liberty to approach this court for modification of this order if so advised.

Furnish a copy of this order to the learned counsel for the petitioner by today.

Sd/-A. Raghuv  
Chief J.

Sd/- S. N. Phukan  
Judge

20. 11. 89