



Important decision of Chhattisgarh High Court in Habeas Corpus Writ case

Why In News?

- Recently, the Chhattisgarh High Court held in the habeas corpus case that missing persons cases cannot be brought under the provision of Habeas Corpus petition.

Key Points

- Justice Arup Kumar Goswami and Justice N.K. With reference to such cases, Chandravanshi said that **"cases of missing persons are to be registered under the regular provisions of the Indian Penal Code (IPC) and the concerned police officers are bound to investigate the same in the manner prescribed under the Code of Criminal Procedure."**
- The High Court held that what remains relevant is that establishing grounds for **'illegal detention'** and a strong doubt about any such **'illegal detention'** is a condition for moving the habeas corpus petition and Constitutional Courts will not entertain habeas corpus petitions where there is no allegation of doubt about 'illegal detention'.
- The Supreme Court in its judgment in Union of India v Yumnam Anand M and others has observed that **"Article 21 of the Constitution declares that no person shall be deprived of life and liberty except according to procedure established by law"**. Besides, there is definitely a need for a machinery to investigate the question of illegal detention with utmost urgency. A writ of habeas corpus is an instrument of this nature."
- It is noteworthy that under the Right to Constitutional Remedies mentioned in Article 32 of the Constitution, 5 writs - Habeas Corpus, Mandate, Prohibition, Abetment and Right to Question have been mentioned.

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