Gitanjali J. Angmo & Anr. v. Union of India & Ors.: Preventive Detention, Habeas Corpus and the Doctrine of Infructuous Relief

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ABSTRACT

The decision in *Gitanjali J. Angmo & Anr. v. Union of India & Ors.* Presents an important opportunity to examine the relationship between preventive detention and constitutional safeguards protecting personal liberty in India. Although the Supreme Court did not adjudicate upon the merits of the detention order, the case raises significant questions regarding the effectiveness of habeas corpus petitions when the detention order is revoked before judicial scrutiny can occur. The court disposed of the petition as infructuous after noting that the impugned detention order had already been revoked. This comment analyses the constitutional framework governing preventive detention, the role of judicial review under Articles 21, 22, and 32 of the Constitution, and the implications of disposing detention challenges on technical grounds. It argues that while the court's approach was procedurally correct, greater judicial engagement with the legality of detention orders may be necessary to prevent executive authorities from avoiding constitutional scrutiny through subsequent revocation. The case highlights continuing tension between national security concerns and the protection of individual liberty in constitutional democracies.

Keywords: Preventive Detention, Habeas Corpus, Article 21, Article 22, Personal Liberty, Judicial Review.

I. CASE DETAILS

Title: Gitanjali J. Angmo & Anr. v. Union of India & Ors.

Citation: .P. (Crl.) No. 399 of 2025

Court: Supreme Court of India, Criminal Appellate Jurisdiction

Date of Decision: 10 March 2026

Judges: JUSTICE ARAVIND KUMAR, JUSTICE PRASANNA B. VARALE

Case Number: Writ Petition (Criminal) No. 399 of 2025

II. INTRODUCTION

The Constitution of India guarantees personal liberty as a fundamental right through Article 21, which provides that no person shall be deprived of life or personal liberty except according to procedure established by law.[1] Among the most potent safeguards against arbitrary detention is the writ of habeas corpus, a constitutional remedy available under Articles 32, 226.[2] The writ enables courts to examine the legality of detention and order immediate release where detention lacks legal justification. Preventive detention remains one of the most controversial exceptions to ordinary criminal jurisprudence. Unlike punitive detention which follows conviction for an offence, preventive detention permits deprivation of liberty based on anticipated future conduct. While the constitution recognized preventive detention under Article 22, it simultaneously imposes procedural safeguards intended to limit executive arbitrariness.[3] The decision in *Gitanjali J. Angmo v. Union of India* emerges within the constitutional context. Although the Supreme Court ultimately declined to examine the merits of the detention order because it had already been revoked, the case raises broader questions regarding judicial oversight of preventive detention powers. The disposal of detention challenges as infructuous often leaves unresolved issues concerning legality, procedural fairness, and constitutional accountability. This case comment analyses the

[1] India Const. art. 21.
[2] India Const. arts. 32, 226.
[3] India Const. art. 22.

judgement's significance within the larger framework of preventive detention jurisprudence and examines its implications for future constitutional litigation.

III. Facts of the Case

The petitioner approached the Supreme Court through a criminal writ petition challenging a preventive detention order issued against the detenu.[4] The petition sought judicial intervention against the alleged unlawful deprivation of liberty and requested relief through constitutional remedies. During the pendency of proceedings, however, the detention order was revoked by the competent authority. Consequently, when the matter came before the Supreme Court on 23 March 2026, the detention order that formed the basis of the challenge no longer remained in force. The principal issue before the court therefore became whether any effective relief survived for adjudication after revocation of the detention order.

IV. Decision of the court

The Supreme Court, comprising Justice Aravind Kumar and Justice Prasanna B. Varale, observed that the impugned detention order had already "spent itself." Since the detention order stood revoked, the relief originally sought by the petitioners no longer survived. The Court accordingly held that the writ petition had become infructuous and disposed of the matter. The Court's operative reasoning was brief. It stated that the detention order having been revoked, the challenge ceased to have practical significance and no further adjudication was required.

V. Legal Issue Involved

The case raises several constitutional and jurisprudential issues:

1. Whether revocation of a detention order automatically renders a habeas corpus petition infructuous.

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[4] *Gitanjali J. Angmo v. Union of India, W.P.(Crl) No. 399/2025 (India Mar. 23, 2026).*

2. Whether the court should nevertheless examine the legality of a detention order after revocation.

3. Whether executive authorities can effectively evade judicial scrutiny by revoking detention orders before final adjudication.

4. Whether constitutional remedies should extend beyond immediate release to include declaratory findings regarding illegality.

VI. Preventive Detention under the Indian Constitution

Preventive detention occupies a unique position within Indian constitutional law. The framers of the Constitution recognised preventive detention as an exceptional measure while simultaneously expressing concern regarding its potential misuse. Article 22(3) creates an exception to certain safeguards ordinarily available to an arrested person. However, Articles 22(4) and 22(7) impose procedural limitations, including review by an Advisory Board and restriction on the duration of detention.[5] The Supreme Court has consistently maintained that preventive detention laws must be interpreted strictly because they authorise deprivation of liberty without trial. In *A.K. Gopalan v. State of Madras*, preventive detention was upheld within constitutional limits.[6] Subsequent decisions, particularly *Maneka Gandhi v. Union of India*, transformed constitutional jurisprudence by requiring fairness, reasonableness, and non-arbitrariness in all procedures affecting personal liberty.[7] As a result, preventive detention today operates within a framework where executive discretion remains subject to constitutional scrutiny.

VII. Habeas Corpus as a Constitutional Remedy

The writ of habeas corpus is often described as the "Great writ of liberty".[8] Its primary objective is to protect individuals against unlawful detention and executive abuse. Indian courts have repeatedly emphasised that habeas corpus proceedings must be decided expeditiously because delay itself undermines the value of personal liberty. The remedy

[5] India Const. art. 22, cls. 4–7
[6] *A.K. Gopalan v. State of Madras, AIR. 1950 SC 27 (India).*
[7] *Maneka Gandhi v. Union of India, (1978) 1 SCC 248 (India).*
[8] *Rashid Ahmad v. Municipal Board, Kairana, AIR 1950 SC 163 (India).*

serves not merely as a procedural device but as a constitutional guarantee designed to preserve democratic freedoms.

VIII. Critical analyses of the Judgment

1. Correctness of the Court's procedural Approach

   From a procedural perspective, the court's decision appears legally sound. Courts generally refrain from deciding academic or hypothetical questions where no effective relief remains available. Once the detention order had been revoked, the immediate objective of securing release had already been achieved. The doctrine of infructuousness exists to prevent courts from expanding judicial resources on matters that no longer involve a live controversy.[9] Since the detention order is no longer operative, the court considered further adjudication unnecessary.

2. The Problem of Evading Judicial Review

   Despite procedural correctness, the decision raises concern regarding accountability.

   Prevention detention orders often involve serious restrictions on personal liberty. If authorities can revoke such an order before final adjudication, the court may never evaluate whether the detention was lawful in the first place. This creates a potential institutional problem. Executive authorities could theoretically avoid adverse judicial findings by revoking detention orders once challenged.[10] Although revocation secures release, it leaves unresolved whether constitutional rights were violated during detention. The absence of judicial scrutiny may reduce the likelihood of future misuse of preventive detention powers.

3. Missed opportunity for Constitutional Clarification

   The court could have considered whether broader constitutional questions warranted examination despite revocation. Comparative Constitutional jurisprudence recognizes exceptions to mootness where issues are capable of repetition yet likely to evade review.

   Preventive detention cases frequently present such circumstances because detention periods may expire before litigation concludes.

   A detailed judgment could have clarified:

1. Standard governing detention revocation

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[9] *S.P. Anand v. H.D. Deve Gowda, (1996) 6 SCC 734 (India).*
[10] *Rekha v. State of Tamil Nadu, (2011) 5 SCC 244 (India).*

2. Scope of post-release judicial review
3. Remedies available after unlawful detention
4. Constitutional obligations of detaining authorities.

IX. Comparison with Earlier Jurisprudence

Indian courts have historically adopted an active role in reviewing preventive detention. *In A.K. Roy v. Union of India*, the Supreme Court emphasised that preventive detention law must be narrowly construed.[11] In *Rekha v. State of Tamil Nadu*, the court warned against casual use of preventive detention powers reiterated that personal liberty occupies a preferred constitutional position.[12] Similarly, in *Ramesh Yadav v. District Magistrate*, Etah, the court stressed that preventive detention cannot substitute ordinary criminal law.[13] Compared with these decisions, Gitanjali J. Angmo contributes little substantive guidance because the court did not examine the merits of detention. Nevertheless, the case remains significant because it highlights practical challenges confronting habeas corpus litigation.

X. Implication for Future Jurisprudence

The decision may have several implications

1. Increased use of the in fructuousness Doctrine
   Court may continue disposing of detention petitions where the detention order is revoked before adjudication. While procedurally efficient, this approach may limit development of constitutional doctrine.
2. Need for speedier Hearings
   The case demonstrates the importance of prompt judicial intervention in detention matters. Delayed hearing may enable detention orders to expire or be revoked before meaningful judicial review occurs.
3. Possibility of Declaratory Relief
   Future courts may explore granting declaratory relief even after release, particularly where important constitutional questions remain unresolved.[14]

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[11] *A.K. Roy v. Union of India, (1982) 1 SCC 271 (India)and for .*
[12] *Rekha, (2011) 5 SCC 244 (India)*
[13] *Ramesh Yadav v. District Magistrate, Etah, (1985) 4 SCC 232 (India).*
[14] *Rudul Sah v. State of Bihar, (1983) 4 SCC 141 (India).*

4. Strengthening Accountability Mechanisms

   The judgment highlights the need for mechanisms ensuring that executive authorities remain accountable for detention decisions even after revocation.[15]

5. Development of Mootness Exceptions

   Indian constitutional law may eventually develop broader exceptions allowing review of recurring issues that consistently evade judicial scrutiny.

XI. Conclusion

Gitanjali J. Angmo & Anr. v. Union of India & Ors is a brief but constitutionally significant decision situated within India's Preventive detention jurisprudence. The Supreme Court correctly applied the doctrine of infructuousness after observing that the detention order had already been revoked and no effective relief survived. However, the case simultaneously exposes structural concerns regarding the judicial review of preventive detention orders. The disposal of detention challenges after revocation may protect judicial economy, but it can also leave unresolved questions concerning executive accountability and constitutional compliance. Preventive detention represents one of the most severe restrictions on personal liberty permitted under Indian law. Consequently, courts must remain vigilant in ensuring that such extraordinary powers are exercised within strict constitutional boundaries. Although the judgement does not establish new legal principles, it serves as an important reminder of the continuing tension between state security interests and individual freedom. Future jurisprudence may need to develop mechanisms allowing constitutional courts to examine significant liberty-related issues even after detention orders cease to operate. Such an approach would strengthen the protective role of habeas corpus and reinforce the constitutional commitment to personal liberty under Articles 21 and 22 of the Constitution.[16]

[15] *Bhim Singh v. State of Jammu & Kashmir, (1985) 4 SCC 677 (India).*
[16] India Const. arts. 21–22.