

GAHC010235302022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(CrI.)/762/2022

RITA DAS MOZUMDAR
AMICUS CURIAE, GAUHATI HIGH COURT, GUWAHATI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MS. R D MOZUMDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE THE CHIEF JUSTICE (ACTING) MR. N. KOTISWAR SINGH
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

:: O R D E R ::

25.01.2023

[N. Kotiswar Singh, CJ(Acting)]

Heard M. R. D. Mozumdar, learned *Amicus Curiae* for the applicant. Also heard Mr. P.N. Goswami, learned Additional Advocate General, Assam and Mr. D. Das, learned Additional Public Prosecutor, Assam.

2. On the last occasion on 20.01.2023, we have desired from the State Government as to the provision for making necessary arrangement to be provided for keeping the convict Brojen Das in the LGB Regional Institute of Mental Health, Tezpur for undergoing treatment

for which the Institute has also recommended that the convict Brojen Das to be treated as an inpatient which necessarily will require his stay in the Institute considering the frequent transportation of the convict Brojen Das from the jail at North Lakhimpur to the Institute located in another district may not be advisable.

3. We accordingly requested Mr. P.N. Goswami, learned Additional Advocate General, Assam to take instructions in this regard and today he has produced before us certain letters dated 25.01.2023 and 23.01.2023, written by the Superintendent of District Jail, North Lakhimpur as well as the Superintendent of Police, Lakhimpur, North Lakhimpur for providing necessary and adequate police escort party at the Institute for escort/security point of view.

4. It has been mentioned in the letter dated 25.01.2023 from the Superintendent of Jail, District Jail, North Lakhimpur that one Jail Warder had been deputed at LGB Regional Institute of Mental Health, Tezpur as an attendant of the convict and a team of police escort party from the Superintendent of Police, North Lakhimpur is also there at the Institute for escort/security point of view. The said letter also mentions that the convict had been undergoing treatment at LGB Regional Institute of Mental Health, Tezpur since 19.01.2023. The aforesaid letters dated 25.01.2023 and 23.01.2023 furnished by Mr. Goswami are kept on record.

5. Though it appears that the State Government has taken necessary steps in this regard for appropriate treatment of the convict, we would expect that the convict may be allowed to remain in the LGB Regional Institute of Mental Health, Tezpur so long as his presence is required by the Institute/hospital authorities and the District as well as the jail authorities will provide necessary security arrangement for the said purpose as may be required by the Institute.

6. In this regard, Mr. Goswami, learned Additional Advocate General, Assam also submits that the convict patient will not be made to undergo frequent travel and he will be allowed to remain in the Institute so long as the convict is required as an indoor patient.

7. In view of above submission made above and the letters which have been produced before us, we close this application.

8. We express our appreciation of the service rendered by Ms. R.D. Mozumdar for the

convict who is apparently suffering from certain mental illness and we would expect Ms. Mozumdar would continue to render her assistance to him and to us as and when required.

9. Ms. Mozumdar would be at liberty to bring to the notice of this Court of the condition of the said convict as and when it is necessary for which Sonitpur District Legal Services Authority as well as Lakhimpur District Legal Services Authority will apprise Ms. Mozumdar of any requirement of said convict.

10. The Secretary of the aforesaid District Legal Services Authorities will remain in touch with the aforesaid convict Brojen Das and jail authorities if the said convict requires any legal assistance, they will immediately inform Ms. Mozumdar for doing the needful.

11. We also put on record our appreciation for the assistance rendered by Mr. P.N. Goswami, learned Additional Advocate General, Assam in this case.

12. The I.A. is, accordingly, closed.

JUDGE

CHIEF JUSTICE (ACTING)

Comparing Assistant