

Court No. - 10

Case :- HABEAS CORPUS WRIT PETITION No. - 382 of 2023

Petitioner :- Pawan Kumar Pandey Thru. His Nephew Anup Kumar Pandey

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Civil Sectt. Lko. And Others

Counsel for Petitioner :- Manish Kumar Tripathi

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioner and learned AGA for the State-respondents.

This writ petition has been filed as a Habeas Corpus petition with the following prayers:-

"(i) issue a writ, order or direction in the nature of directing the opposite party no.3 i.e. District Magistrate, Ambedkar Nagar to pass appropriate order by directing to opposite party no.2 (Superintendent, District Jail, Ambedkar Nagar) to provide superior class facilities to the petitioner in District Jail, Ambedkar Nagar, in the interest of justice.

(ii) issue a writ, order or direction in the nature of directing the opposite party no.3 i.e. District Magistrate, Ambedkar Nagar to decide the representation dated 08.11.2023 moved by petitioner through Superintendent District Jail, Ambedkar Nagar to District Magistrate, Ambedkar Nagar for providing him superior class facilities in District Jail, Ambedkar Nagar as contained in Annexure no.5 to this writ petition."

It has been submitted by learned counsel for the petitioner that petitioner is an Ex-MLA from Akbarpur Constituency, Uttar Pradesh and he had also contested the last Parliament election on the ticket of Bahujan Samaj Party (B.J.P.). The brother of the petitioner Rakesh Kumar Pandey is elected as MLA from Jalalpur Assembly and the nephew of the petitioner Ritesh Pandey is Member of Parliament from Ambedkar Nagar Constituency. The entire family has superior class facilities in their life and therefore the petitioner is entitled to superior class facilities in District Jail, Ambedkar Nagar where he has been judicial custody since November, 2023.

This writ petition is not maintainable as a Habeas Corpus petition as it is admitted by the petitioner that he is in jail as a result of some order passed by a competent Court relating to Case Crime No.319 of 2022 under Sections 419, 420, 467, 468, 471, 120-B IPC police station Kotwali Akbarpur, District Ambedkar Nagar.

This writ petition is misconceived and is **rejected** as such.

Order Date :- 4.12.2023

Arnima