

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO.545 OF 2015

[Mir Nagman Ali – In person .vs. The Prison Superintendent and one]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Mir Nagman Ali, Advocate–In Person, for the petitioner,
Shri T.A. Mirza, APP for Respondent No.1.

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATED : JULY 15, 2015.

Heard.

We have heard Advocate Mir Nagman Ali – In person and learned APP. We also perused reply-affidavit filed by respondent no.1. The judgment delivered by the learned Single Judge of this Court in Case No.267/2008 on 22.7.2008 is also perused.

We do not wish to lay down any law as the respondent has to provide for necessary facilities to enable the prisoners lodged with it to have legal assistance. The petitioner-Legal Practitioner is also obliged to contact them in prison to obtain instructions.

In the matters in which an Advocate is already appearing for such prisoners, he can give a letter giving names of his clients whom he wishes to interview. In such matters, Advocate, who in need of instructions, can submit a common letter at least one day in advance disclosing the names of the prisoners, whom he has been representing in court of law and expressing desire to interview them. If such letter is received one

day in advance, the respondent shall, without insisting for production of Vakalatnama, as counsel is already appearing for such prisoners in court of law, arrange for interview on next day or desired day.

In so far as the prisoners, who have still not engaged him as their Advocate, are concerned, a separate letter containing the names of such prisoners (proposed clients) with a desire to interview them, shall also be given in advance. If such communication is received one day in advance, Jail Authority shall, after ascertaining wishes of concerned prisoner, arrange for the interview on next day or desired day.

At this stage, Advocate Mir Nagman Ali informs that there is only one room in which eight compartments have been made and those compartments are made available for such meeting to relatives as also to Advocates. The atmosphere there is not very conducive to obtain instructions. He, therefore, states that if separate room is provided for such clients and Advocates meeting, the interview can be finished quickly.

Learned APP submits that he does not have instructions at this stage about availability of infrastructure. He, however, submits that if possible, such separate arrangement can be made and provided for.

In the light of observations made above, we direct respondent no.1 to consider, whether any such separate arrangement can be made available.

With this direction and keeping all rival contentions open, we dispose of Criminal Writ Petition. No costs.

JUDGE

JUDGE