

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

PUBLIC INTEREST LITIGATION NO.32 OF 2015

DATED:02.03.2015

Between:

Prof.G.Haragopal.

...Petitioner.

And

The Registrar (Judicial),
High Court of Judicature at Hyderabad
For the State of Telangana and the State of A.P.,
Hyderabad and others.

... Respondents.

**THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR**

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PUBLIC INTEREST LITIGATION NO.32 of 2015

ORDER: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

We are of the view that the petitioner not being a convict cannot approach this Court with this petition for getting relief for individual convicts in criminal cases. Having noted the prayer in the petition, the grievance in this matter can be understood easily. Therefore, we set out the prayer.

*"For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in not disposing of the criminal appeals filed by life convicts who were lodged in Cherlapally Central Prison and other prisons in the State of Telangana and the State of Andhra Pradesh for the past more than 4 years as illegal, arbitrary and in gross violation of rights guaranteed under Article 14 and 21 of the Constitution of India by further declaring that the right to speedy trial held is invaluable right as guaranteed to the life convicts as interpreted by the Constitution Bench of Hon'ble Supreme Court in **Hussainara Khatoon and others (III) v. Home Secretary, State of Bihar, Patna reported in 1980(1) SCC page 98** and the constitution bench judgment rendered in **Abdul Rehman Antuley v. R.S.Nayak reported in 1992(1) SCC 225** and consequently expedite the same within la stipulated time frame and pass such other order or orders as this Hon'ble Court may deem think fit and proper in the circumstances of the case."*

On a reading of the prayer, it clearly appears that because of the delay in disposal of the appeals, the convicts' fundamental right of speedy trial as laid down by the Hon'ble Supreme Court is infringed. According to us, this is individual affectation of fundamental right not that of members of the public at large. There may be variety of reasons for pendency of the appeals and it can be examined in the individual cases, once the convict comes of his own. The individual convict may approach for assertion of his fundamental right of speedy disposal of the case. Therefore, at the instance of the petitioner, we cannot look into this complaint as we feel that this is not a public interest litigation. However, liberty has been given to the convicts who want to approach individually, in accordance with law before the appropriate forum for enforcement of their fundamental right of speedy disposal of the appeals.

It would be open for the convicts to avail of the legal aid provided by the State Legal Services Authority and we feel that the State Legal Services Authority as well as the High Court Legal Services Committee can look into the complaint made in this petition. Hence, copy of this order and list of the cases be forwarded to both the authorities. It would also be appropriate to direct Registrar (Judicial) to draw the attention of the Hon'ble Chief Justice in administrative side to the number of the appeals pending disposal for more than five years.

The Public Interest Litigation is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

02.03.2015
PNB / GJ