

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

CRIMINAL WRIT PETITION NO.239 OF 2016

Mir Nagman Ali
-vs-
Superintendent, Central Prison, Nagpur

WITH

CRIMINAL WRIT PETITION NO.478 OF 2016

Vishwadeep N. Mate and anr.
-vs-
Superintendent, Central Prison, Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Mir Nagman Ali, Advocate and petitioner in person in W.P. No.239/2016.
Shri V. N. Mate, Advocate and petitioner in person in W. P. No.478/2016.
Smt K. Joshi, APP for respondent/State.

**CORAM : B.P.DHARMADHIKARI &
A.S.CHANDURKAR, JJ.**
DATE : AUGUST 25, 2016

We have heard respective Advocates.

Grievance is mainly about number of prisoners allowed to be contacted by the lawyer during his one visit. Jail authorities permit five prisoners to be contacted.

Learned APP submits that the controversy is only in relation to visit on Saturdays. The relatives exceeding 200 in number also come to jail on Saturdays to see the relative prisoner and each relative takes about 15-20 minutes time.

There are eight compartments in prison and thus on an average each compartment remains occupied for a period of 15-20 minutes. Lawyers and their clients who are in prison are also required to be accommodated during this period in these compartments.

The respective counsel also inform that apart from the eight compartments which are there, there is one room. There is ample space available in that room and lawyers can be permitted to use that space for meeting their clients.

Learned APP in absence of any instructions is not in a position to comment as there is no such plea in writing before the Court. Advocate Shri Mir Nagman Ali and Advocate Shri S.P. Nikade who is also seeking intervention invited our attention to paragraph 4 in additional affidavit to point out various difficulties faced by the lawyers during visit. It is admitted that requirement of vakalatnama has been dispensed with.

In so far as other difficulties are concerned, we find material on record insufficient to appreciate the rival contentions.

The applicants who are officers of this Court are also supposed to co-operate with the jail authorities. We therefore direct learned APP to permit the applicants to inspect the jail visit register for last 3-4 Saturdays to find out

average number of relatives who visited on those days and thereafter gather data about the time consumed by each relative. After collecting such data, we grant liberty to the applicants to move appropriate application/representation to the respondent to suggest arrangement to meet the client prisoners. In such application they can also indicate the other alternative which can be extended to Advocates to meet their clients in jail. If such application/representation is made within four weeks from today, the respondent shall take suitable decision upon the same within next four weeks. The decision shall be communicated in writing to the petitioners-Mir Nagman Ali, Shri Vishwadeep Mate, Shri S. P. Nikade, applicants Shri N. H. Samudre and Shri A. B. Shende.

With these directions and keeping all rival contentions open, we dispose of the petitions. No costs.

JUDGE

JUDGE

-: C E R T I F I C A T E :-

“ I certify that this Judgment/order uploaded is a true and correct copy of the original signed Judgment/order.”

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26/08/2016