

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.40437 of 2015

ORDER:

The prayer of the petitioners in this case is to direct the police authorities to conduct an enquiry in a transparent manner in the presence of their counsel. Consequential direction is sought to the police authorities to permit the petitioners' counsel to be present during their interrogation in the context of Crime No.94 of 2015 registered on the file of II Town Police Station, Ongole, Prakasam District.

The issue as to whether the counsel of the accused can be permitted to be present during the course of the interrogation of the accused so as to prevent any third degree methods being used is no longer *res integra*. In **Senior Intelligence Officer, Directorate of Revenue Intelligence v. Jugal Kishore Samra**, the Supreme Court deemed it appropriate to direct interrogation of the accused in that case to be held within the sight of his advocate or any other person duly authorized by him. The Supreme Court observed that the advocate or the person authorized by the accused may watch the proceedings from a distance or from beyond a glass partition but he would not be within the hearing distance and it would not be open to the accused to have any consultation with him in the course of the interrogation.

Reiterating the above directions, this writ petition is disposed of. The respondent police authorities shall act in accordance with the afore-stated directions.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

3rd February, 2016

IBL