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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7737/2016

AJAY CHAUDHARY

..... Petitioner

Through: Dr. L. S. Choudhary, Mr. Sandeep Bhutani
and Mr. Prembir Singh, Advocates.

Versus

THE STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Rahul Mehra, Senior Standing Counsel
(Crl.) with Mr. Gautam Narayan, ASC, Mr.R. A. Iyer,
Advocate for respondent Nos. 1, 2, 4 and 5.
SI Dham Singh, D-4156, Police Station Kashmere Gate.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

20.09.2016

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1. This petition by way of public interest litigation has been filed alleging that the procedure being followed at present to permit an advocate to meet/interview an accused detained in jail is not in conformity with the rights guaranteed under Article 22 of the Constitution of India and Section 303 of Cr.P.C. The petitioner, therefore, prays for directions to the respondents to facilitate/arrange legal interview of the accused persons in the court premises itself.

2. A counter affidavit has been filed on behalf of the respondent No.4/Commissioner of Police stating that permitting legal interview in the court premises on the date of production of the under-trial prisoners in the Court is not advisable for various reasons stated therein. The material placed

on record shows that the issue raised by the petitioner was also considered by the District Jail Committee with reference to Standing Order No.53 of Delhi Jail Manual which provides for legal interviews of the prisoners.

3. Having heard the learned counsel for the petitioner and having taken note of the various reasons stated in the counter affidavit of the Delhi Police and the fact that the Standing Order No.53 of the Delhi Jail Manual which provides for legal interview of the prisoners is under challenge in W.P.(C) No.1449/2014, it appears to us that no directions as prayed for can be issued at this stage. Hence, we are not inclined to entertain this petition. The writ petition is accordingly dismissed.

4. However, the petitioner is at liberty to intervene in W.P.(C) No.1449/2014 pending on the file of this Court.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 20, 2016 / gr/anb