

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.5571 OF 2019

Date: 19.03.2019

Between:

Smt. Shehazadi Begum, w/o. late Mohammad Mansoor Ali,
Aged about 55 years, occu: Housewife, r/o.Tirumalanagar,
Amberpet, Hyderabad.

.....Petitioner

And

The State of Telangana, rep.by its Prl.Secretary,
Home Department, Secretariat, Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims to be cousin of Mrs. Nowhera Shaikh. This Writ Petition is filed praying to declare the action of respondents in not providing VIP facilities in the Prison, unlike such facilities granted to other politicians, who were in jail earlier, and the same would amount to violation of Human Rights, Articles 19 and 21 of the Constitution of India, and is discriminatory.

2. From the reading of the averments in the affidavit filed in support of the Writ Petition, it is apparent that according to petitioner, her cousin is running a Political Party, by name, 'AIMEP', registered with the Election Commission and she being the Chief of the Party, she should be provided VIP treatment in the Prison by providing minimum facilities, like Television, daily newspaper and be put in a separate cell. It is also vaguely stated that there are 3 to 4 cases pending against her in Hyderabad and some other cases in other parts of the country. It is also alleged that even though she has engaged an Advocate, but Advocate is not allowed to interact with her cousin, causing undue hardship and suffering to her.

3. During the course of hearing, learned counsel for petitioner fairly submits that though the prayer sought is, for provision of VIP treatment, but petitioner is confined to issue of providing access to her Advocate and denial of the same is not valid in law.

4. The affidavit is bald and does not disclose what are the cases registered against her, and at what stage they are pending.

A person could not have been kept in imprisonment without being the accused, and if she is the accused and criminal cases are pending before the competent Court, it is always open to the accused to bring to the notice of the concerned Court on denying access to Advocate appearing on her behalf. But, apparently, no such application is filed. Two representations are stated to have been filed, one on 20.01.2019 addressed to the Hon'ble Home Minister, and another on 05.03.2019 addressed to the Jail Superintendent. In the first representation, petitioner was asking for provision of VIP facilities, and in the second representation request was made to Jail Superintendent to provide access to her Advocate. There is no proof of even submission of such representations. Thus, no relief as sought for can be granted. It is always open to the accused to file appropriate application before the competent Court, where the cases are pending against Mrs. Nowhera Shaikh to seek permission from the Court for providing access to the counsel appearing on her behalf, and to work out her remedies as available in law. Writ Petition is accordingly dismissed. Pending miscellaneous petitions shall stand closed.

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