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

+ W.P.(CRL) 574/2018

CHANDER PRAKASH Petitioner
Through: Ms Inderjeet Sidhu, Advocate
(DHCLSC).

Versus

THE STATE GOVT OF NCT OF DELHI Respondent
Through: Ms Nandita Rao, ASC for State with
Mr Amit Peswani, Advocate.
SI Ajeet Kumar, PS Sangam Vihar.
Dr Akash Narade, Medical Officer,
Incharge, Central Jail Hospital, Tihar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **24.10.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondent to ensure that adequate safety and security be provided to the petitioner.
2. The present prayers have been made in the context of brutal attacks that have been made on the petitioner in the past by certain inmates. The counter affidavit has been filed on behalf of the State.
3. Ms Nandita Rao, learned ASC appearing for the State has drawn the attention of this Court to a tabular statement in paragraph 3 of the counter affidavit, which lists out various incidents. She states that the first brutal incident had occurred on 05.07.2012, when the petitioner was being

transported in a police van, he had been brutally attacked by other inmates and an FIR in this regard (being FIR No. 252/2012) was registered and the accused therein has been prosecuted. She states that in order to prevent any such further incident, a protocol has been put in place where the petitioner is accompanied by an ACP rank police official on each occasion, when he is called upon to step out of the jail. She states that another incident took place on 26.06.2016 and an FIR in this regard (being FIR No. 569/2016) has also been registered.

4. Thereafter, one other incident took place on 08.09.2017. However, it is stated that CCTV footage of the said incident indicates that it was more in the nature of a scuffle.

5. Ms Rao also fairly states that the issue appears to be certain rivalry between the inmates and it is admitted and there are certain inmates, who have an inimical disposition towards the petitioner. This is for the reasons that are yet to be ascertained. However, in the meanwhile, the petitioner has been placed in a high security cell and, therefore, has been adequately protected.

6. In view of the above, the relief sought by the petitioner stands addressed inasmuch as he has been given the protection, as considered necessary.

7. The learned counsel appearing for the petitioner submits that in addition to the above, the petitioner also requires regular counselling as, according to her, the petitioner has now developed a psychosis fear. She also states that the petitioner has been in incarceration since young age (since

2004) and, therefore, it is imperative that he be provided regular counselling.

8. Ms Rao submits that doctors from mental health foundation, specialist in the field, regularly visit the jail. She also states that Dr. Rajat Mitra, who is an expert in the field, has also been assisting such inmates in overcoming their problems. In the aforesaid circumstances, this Court considers it apposite to direct the Jail Authorities to ensure that regular counselling is provided to the petitioner, either by qualified doctors who visit from mental health foundation or by doctor Rajat Mitra.

9. The learned counsel for the petitioner had also submitted that efforts had also been made to reinduct the petitioner into the main stream, that is, place the petitioner in the company of other inmates. Clearly, no directions in this regard can be issued.

10. Considering the facts of this case, this Court also does not consider it apposite to supplant its view over that of the Jail Authorities. Insofar as affording the necessary protection to the petitioner is concerned, if the Jail Authorities has considered that it is necessary to place the petitioner in a high security area for his protection, no interference with the said decision is warranted. Undeniably, the petitioner is entitled to be protected during the period of his incarceration. However, the manner in which the same has to be done, would be at the discretion of the concerned authorities. Needless to state that at any point, the Jail Authorities are convinced that the petitioner would be safe amongst other inmates, they would take the necessary steps for reinducting the petitioner amongst such other inmates.

11. In addition to the above, Ms Rao also states that the petitioner

requires some medical assistance. He requires medical treatment for prosthetic and also required to be operated for issues with his gallbladder. She states that special medical attention is necessary and the procedure for the same would be carried out within a period of one month from today.

12. No further orders are required to be passed in this petition. The same is disposed of.

OCTOBER 24, 2019
RK

VIBHU BAKHRU, J