

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.9428 of 2020
and
W.M.P.No.11520 of 2020

Mr.A.Nowfil

... Petitioner

Vs.

1.The Secretary to Government,
Home (Prison) Department,
Fort St.George,
Chennai-600 009.

2.The Additional Director General of Police,
Department of Central Prisons,
CDMA Tower-II,
Gandhi Irwin Road, Egmore,
Chennai-600 008.

3. The Superintendent of Prison,
Puzhal Central Prison-I,
Service Road,
St.Antony Nagar,
Puzhal,
Chennai-600 066.

4. The Additional Superintendent of Prison,
Special Sub-Jail,
Poonamallee,
Chennai-600 056.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 4th respondent herein to allow the petitioner to have interview with his clients, who are arrayed as accused in C.C.No.2/2019 pending on the file of the Hon'ble Sessions Judge, for the Exclusive Trial of Bomb Blast Cases and NIA cases, Poonamallee with all safety standards without compromising the advocate and client privilege communication by considering the petitioner's representation dated 04.07.2020 within time frame fixed by this Court.

For Petitioner : Mr.Abdul Basith

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor
for R1 to 4

O R D E R

This Writ Petition has been filed to to direct the 4th respondent herein to permit the petitioner to have interview with his clients, who are arrayed as accused in C.C.No.2 of 2019 pending on the file of the Hon'ble Sessions Judge, for the Exclusive Trial of Bomb Blast Cases and NIA cases, Poonamallee with all safety standards without compromising the advocate and client privilege communication by considering the petitioner's representation dated 04.07.2020 within time frame fixed by this Court.

2. The learned counsel for the petitioner would submit that the petitioner is an advocate appearing on behalf of the accused in C.C.No.2 of 2019 pending before the Sessions Judge, for the Exclusive Trial of Bomb Blast Cases and NIA cases, Poonamallee, and there are totally 9 accused persons and they were incarcerated in prison. Due to Covid-19 pandemic, the Jail authorities, restricted entries of the family members to meet them. But, there is no prohibition for the lawyers to meet their clients. Even then, the petitioner is not permitted to visit his clients by the Jail Authorities. He made representations through e-mail dated 04.07.2020 with jail authorities, and it is not at all considered. Therefore, he sought for direction from this Court to permit him to visit his clients at sub-jail, Poonamallee.

3. The learned Government Advocate submitted that now, due to Covid-19, there was prohibition order for certain visitation rights in the prisons. Now, the Director General of Police (Prisons), issued instructions that wherever the phone facilities are not available the respective counsels are permitted to meet their respective clients in the prisons. He further submitted that except in sub-jails where phone facilities are not available in all over Tamil Nadu, the respective relatives and also respective counsels can very well meet their respective clients in the sub-jail in all over Tamil Nadu. From the above submissions, the petitioner may be permitted to meet his clients.

4. Heard Mr.Abdul Basith, learned counsel for the petitioner and Mr.M.Elumalai, learned Government Advocate for the respondents.

5. The petitioner is an advocate and he appeared for the accused 1 to 9 in C.C.No.2 of 2019 on the file of the Sessions Judge, for the Exclusive Trial of Bomb Blast Cases and NIA cases, Poonamallee. The accused 1 to 9 were still incarcerated imprisonment in Sub-Jail. While being so, the petitioner is being an advocate, to proceed with the trial, he wants to meet his clients. Due to Covid-19 Pandemic circumstances, there was an order of curfew not to visit the prisoners even by relatives. Now, on the circular issued by the Director General of Police (Prisons), wherever, phone facilities are not available the advocates and the relatives are permitted to visit their respective clients in the sub-jail in all over Tamil Nadu.

6. Considering the same, the 4th respondent is directed to permit the petitioner to visit his clients who are arrayed as accused 1 to 9 in C.C.No.2 of 2019 pending on the file of the learned Sessions Judge, for the Exclusive Trial of Bomb Blast Cases and NIA cases, Poonamallee, forthwith, on proper application.

7. Accordingly, this Writ Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Sessions Judge,
for the Exclusive Trial of Bomb Blast Cases
and NIA cases,
Poonamallee.

2.The Secretary to Government,
Home (Prison) Department,
Fort St.George, Chennai-600 009.

3.The Additional Director General of Police,
Department of Central Prisons,
CDMA Tower-II, Gandhi Irwin Road,
Egmore, Chennai-600 008.

4. The Superintendent of Prison,
Puzhal Central Prison-I,
Service Road,
St.Antony Nagar,
Puzhal, Chennai-600 066.
5. The Additional Superintendent of Prison,
Special Sub-Jail,
Poonamallee,
Chennai-600 056.
6. The Public Prosecutor,
High Court, Madras.

W.P.No.9428 of 2020
and
W.M.P.No.11520 of 2020

gmr[col]
srg 09/10/2020



WEB COPY