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

+ W. P.(CRL.) 855/2020

SANJAY CHANDRA & ANR.

..... Petitioners

Through: Mr Abhimanyu Bhandari with Mr
Anuroop Chakravarti, Advocates.

versus

THE SUPERINTENDENT CENTRAL JAIL 1,
TIHAR, NCT OF DELHI & ANR.

..... Respondents

Through: Mr Rahul Mehra, Standing Counsel
with Mr Chaitanya Gosain, Advocate
for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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09.06.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, praying that they be granted daily access to their lawyers, paurokars, accountants and consultants by video conferencing with adequate time.
2. The said prayer has been made in the context where physical meetings of prisoners with lawyers, friends and family members are suspended in view of the outbreak of COVID-19.
3. A status report has been filed, which indicates that as per jail records 155 cases are pending against the petitioner. It is also relevant to note that in terms of the Delhi Prison Rules 2018, each prisoner is allowed *mulaqat* with his relatives twice a week but the same has been suspended due to

nationwide lockdown imposed by the government since March, 2020. The respondents have also enclosed an order dated 09.05.2019 passed by the Supreme Court in Special Leave Petition (C) 5979-5979/2017, whereby the Supreme Court had withdrawn additional facilities provided to the petitioner and had further directed that *“they shall not be entitled to any additional facilities apart from those which are available in the normal course in terms of Jail Manual”*. It is submitted that in view of the specific directive, the additional facilities sought by the petitioners cannot be granted to them.

4. Mr Bhandari, learned counsel appearing for the petitioners submits that the petitioners are not seeking any additional facilities. He submits that the Supreme Court had passed an order in the context where the petitioners had been granted the facility of a personal office within the jail premises. He states that the present petition is confined to seeking video conferencing facilities with their lawyers and other legal consultants. He states that video conferencing facilities can be granted in terms of Rule 629 of the Delhi Prison Rules, 2018. He further submits all that the petitioners are seeking additional time with their lawyers as a large number of cases are pending against the petitioners. He states that providing similar video conferencing time as provided other prisoners would not be justified since the number of cases pending against the petitioners is large; consequently the time required by them with their lawyers to instruct them, is also significantly more. He earnestly contends that given the aforesaid situation, provision of additional video conferencing time does not fall foul of the directions issued by the Supreme Court.

5. In view of the outbreak of COVID-19, the prisoners are being

permitted telephone facilities twice a week. It is also not disputed that prisoners are also provided the facility of video conferencing as per the Prison Rules.

6. Since, such facilities are available to the prisoners twice a week, this Court finds no reason to not allow the request of the petitioners for being permitted video conferencing facilities with their lawyers in order for them to defend the cases instituted against them. In the circumstances, the jail authorities are directed to provide video conferencing facilities to the petitioners twice a week for a period of thirty minutes each. It is clarified that this facility will be provided to enable the petitioners to consult with their lawyers/legal consultants but not their friends and family members. They may be provided limited telephone facilities for the aforesaid purpose as provided to other prisoners.

7. This Court is also of the view that it would not be apposite for this Court to direct provision of further additional facilities in view of the order passed by the Supreme Court.

8. Mr Bhandari submits that the petitioners shall approach the Supreme Court for obtaining the necessary clarification.

9. The petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

JUNE 09, 2020
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