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

+ W.P.(C) 11332/2021 & C.M. Nos. 34898/2021, 3682/2022

ALOK TRIPATHI Petitioner

Through: petitioner in person.

versus

STATE NCT OF DELHI & ANR. Respondent

Through: Mr. Santosh Kumar Tripathi,
Standing Counsel, Civil, GNCTD
with Mr. Arun Panwar, Mr. Siddharth
Krishna Dwivedi, Mr. Aditya S.
Jadhav, Mr. Pradyumn Rao, Mr. H.S.
Sachdeva and Ms. Savita Sethi, Advs.
Mr. Sumer Sethi and Ms. Dolly
Sharma, Advs. for R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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07.07.2022

The petitioner before this Court, who is a panel lawyer on the panel of Delhi High Court Legal Service Committee (DHCLSC), has filed this writ petition as a Public Interest Litigation and has prayed for the following reliefs:

“a. Issue a writ/order/ direction in the nature of ‘Mandamus’ thereby directing the Respondent to provide with the scanned copy or hard copy of the FIR, Chargesheet, evidence or other trial court records of the Under Trial Prisoners (UTPs) on a request/ application made thereto;

- b. Issue a writ/order/direction in the nature of 'Mandamus' thereby directing the Respondent to send the copy of 'First Information Report' to the jail if and when the accused is sent to judicial custody;*
- c. Direct the Respondent to devise a mechanism so that the FIR, Chargesheet, Evidence and other records of UTPs be scanned and uploaded on the website of respective district courts;*
- d. Direct the trial courts to upload the copy of recorded evidence and daily order sheets as and when recorded on the website of the District Courts;*
- e. Quash the circular dated 07.01.2019 issued by Delhi State Legal Services Authority to the extent it prohibits the UTPs having private counsel to obtain the certified copy, of the documents; AND/OR*
- f. Direct the circular dated 07.01.2019 issued by Delhi State Legal Services Authority to be put in abeyance till the physical functioning of the court completely resumes and the UPs are allowed to attend their matters physically;*
- g. Pass any other order(s) as this Hon'ble Court may deem fit and proper in the interest of justice, equity and good conscience”*

The petitioner is aggrieved by the Circular dated 07.01.2019 issued by the Delhi State Legal Services Authority (DSLISA). The contention of the petitioner is that Under-Trial Prisoners (UTPs) who engage private lawyers are not being furnished with copies of FIRs, chargesheets and other related documents required by private lawyers for the purpose of defending the UTPs.

Learned counsel for the respondent has categorically stated before this Court that as far as the UTPs who are being represented by panel counsels of the Legal Services Authority are concerned, they are being provided with all documents free of cost. She has stated that it is only in the case of UTPs who

have engaged private lawyers that the lawyers have to personally collect the documents to defend their clients. She has further stated that the petitioner, who is defending some of the UTPs, has already been provided with all the necessary documents.

The principal objective of these Legal Services Authorities is to provide free and efficient legal representation to those sections of the society that are unable to access the same on account of socio-economic. It is the duty of these authorities to ensure that opportunities to secure justice are not denied to any individual for any reason whatsoever.

It is pertinent to note that the petitioner has failed to point to us any case establishing that documents were not provided with respect to the UTPs. On the contrary, the status report filed on behalf of DSLSA/ Respondent No.2 enumerates the status of the documents being duly provided to UTPs.

Consequently, in the considered opinion of this Court, the Circular dated 17.01.2019 does not call for any interference. However, it is made clear that the respondent shall ensure that all the necessary documents are provided to all those lawyers who are empanelled with the DHCLSC and DSLSA in order for them to be able to represent the UTPs to the best of their abilities.

The writ petition is disposed of with the above directions.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

JULY 7, 2022/N.Khanna