

ITEM NO.11

COURT NO.2

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 890/2022

(Arising out of impugned final judgment and order dated 29-09-2021 in WP No. 53944/2016 passed by the High Court Of Karnataka At Bengaluru)

B.A. UMESH

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.6716/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.6720/2022-EXEMPTION FROM FILING O.T. and IA No.6717/2022-EXEMPTION FROM CUSTODY CERTIFICATE )

Date : 21-04-2022 This petition was called on for hearing today.  
CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Dr. Yug Mohit Chaudhry, Adv.  
Mr. Siddhartha Sharma, Adv.  
Mr. Prabu Ramasubramaniam, Adv.  
Ms. Payoshi Roy, Adv.  
Mr. Raghunatha Sethupathy B., Adv.  
Mr. Vishnu Unnikrishnan, Advocate  
Ms.Priya R, Advocate  
Mr. K. Paari Vendhan, AOR

For Respondent(s) Mr. K.M. Nataraj, ASG  
Ms. Sonia Mathur, Sr.Adv.  
Ms. Khushboo Aggarwal, Adv.  
Ms. Perna Dhall, Adv.  
Ms. Simarjeet Singh Saluja, Adv.  
Mr. Shailesh Madiyal, Adv.  
Mr. Sanjay Kumar Tyagi, Adv.  
Mr. Arvind Kumar Sharma, AOR

Mr. Nikhil Goel, AAG  
Mr. Shubhranshu Padhi, AOR  
Mr. Ashish Yadav, Adv.  
Mr. Rakshit Jain, Adv.  
Mr. Vishal Banshal, Adv.  
Mr. Aditya K. Roy, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The basic submissions raised on behalf of the petitioner were recorded in the order dated 31.01.2022.

While elaborating those submissions, Dr. Yug Mohit Chaudhry, learned advocate, has stressed the point that the petitioner was kept in solitary confinement right from the decision of the Sessions Court awarding him death sentence. Our attention is invited to various documents including the Prison Manual in support of the submission that, as the petitioner was segregated and kept in a separate Cell, that would amount to solitary confinement, in terms of the law laid down in *Sunil Batra Etc. vs Delhi Administration And Ors. Etc.*<sup>1</sup>

The submission is opposed on behalf of the State Government and though no specific reply was filed in the High Court controverting the basic allegations in the writ petition, Mr. Nikhil Goel, learned AAG for the State, on instructions, submits that video conferencing can be arranged so that this Court can have clear knowledge about the circumstances in which the petitioner has been lodged in a Cell.

It is true that the Hon'ble Judges constituting the Bench in Sunil Batra's case had visited the jail premises themselves in order to have first-hand knowledge about the conditions in which said petitioner was lodged. We may at this stage rely upon the local inspection to be conducted by the District Judge, Belgaum who

also holds the charge as the Chairman of the District Legal Services Committee, Belgaum.

We therefore, direct the District Judge, Belgaum to cause local inspection done by himself and place a report alongwith pictures, if any, to enable us have a clear understanding of the ground situation. The report shall concentrate on location of the barracks in which the cells of Death Row Convicts are situated.

It is made clear that the Cells which are close to the gallows and are used for keeping persons about to be executed, are different from the Cells for the Death Row Convicts.

The inspection shall cover issues whether the inmates of the concerned cells are allowed to intermingle with fellow prisoners, the way the meals are served to them and the duration for which the inmates are allowed to come out of their individual cells. These are only illustrative pointers. What we want to gather is the typical life-style of Death Row Convicts and how their days are spent.

Let the report be made as early as possible and latest by 25.04.2022.

The report shall be sent through electronic mode at the following Email id.:

[vc2.appearance@sci.nic.in](mailto:vc2.appearance@sci.nic.in).

Let copy of this order be sent through electronic mode to the District Judge, Belgaum.

To our specific query as to the manner in which the Mercy

Petition of the petitioner was processed, Ms. Sonia Mathur, learned Senior Advocate appearing for Union of India has placed the concerned file for our perusal. The Registry is directed to make copies of the file and return the same to the concerned advocate on record by tomorrow. The copies be kept in a sealed cover.

For further hearing, list this matter on 26.04.2022 as Part Heard.

(INDU MARWAH)  
COURT MASTER (SH)

(VIRENDER SINGH)  
BRANCH OFFICER