

03.05.2022.

**Sl. Nos.1 to 5
akd/as**

**D. R. 2 of 2017
with
C. R. A. 105 of 2017
with
C. R. A. 198 of 2017
with
C. R. A. 264 of 2017
with
D. R. 1 of 2019**

In Re : State of West Bengal vs. Md. Younus @ Bilal & Ors.

Mr. Kallol Mondal
Mr. Krishan Ray

...for the appellant [in CRA 264/2017]

Mr. Parthapratim Das

....for the State.

The convict namely, Sk. Abdul Nayeem @ Sk. Samir @ Nayya @ Abu Ali who is presently kept in Tihar Correctional Home has been produced before this court under proper escort from the said correctional home at New Delhi. He expresses desire to present a petition of appeal against his conviction and sentence of death. He also expresses desire to argue the appeal in person. He submits that copies of material exhibits be supplied to him in order to enable him to prepare his arguments in appeal.

In order to enable the said convict to effectively argue his appeal before this court, we consider it imperative that the said convict be kept in a correctional home in Kolkata during the hearing of the appeal. Director General, West Bengal Correctional Services and Director General of Police, West Bengal is directed to make appropriate

arrangements so that the said convict may be handed over to the custody of the Superintendent, Presidency Correctional Home, Kolkata by the police personnel who have escorted the said convict from Delhi.

Convict shall remain in Presidency Correctional Home, Kolkata under high security during the hearing of the appeal and shall be produced before this court in person with appropriate police escort and security measures to advance his arguments in person.

In order to enable the said convict to acquaint himself with the procedures of the court, we request the Member Secretary, State Legal Services Authority to provide the services of a junior empanelled lawyer to interact with the said convict for filing pleadings and advancing arguments in the matter. As the said convict has been sentenced to death, we also feel it necessary that his arguments may be supplemented by the assistance of a senior advocate who would act as *Amicus Curiae* to this court.

Mr. Sekhar Kumar Basu, learned senior advocate is requested to assist the court as *Amicus Curiae* in the death reference so far as it relates to the said convict.

We note material exhibits have not been sent from the trial court. Submissions have been made on behalf of the said convict that copies of the material exhibits wherever possible may be handed over to him to enable him to advance appropriate arguments. In order to do so, trial court is directed to transmit material exhibits to this court forthwith.

Convict has produced before us a petition of appeal, application for condonation of delay and other papers. The documents may be handed over to the Member Secretary, State Legal Services Authority for presentation in proper form in accordance with law. Such presentation shall be made on or before the next date fixed for hearing.

Let the matter appear for hearing on **17.05.2022** at **10:30 A.M.** when the convict namely, Sk. Abdul Nayeem @ Sk. Samir @ Nayya @ Abu Ali shall be produced in person before this court.

Director General, West Bengal Correctional Services, Director General of Police, West Bengal and Superintendent, Presidency Correctional Home shall ensure production of the said convict under proper escort and security arrangements before this court on the adjourned day.

In the event attendance of the convict namely, Sk. Abdul Nayeem is necessary with regard to trial in any other criminal case in New Delhi or any part of the country, Correctional home authorities shall ensure his attendance through video linkage.

Copy of this order be communicated to the Director General, West Bengal Correctional Services, Director General of Police, West Bengal, Superintendent, Tihar Correctional Home, New Delhi, Superintendent, Presidency Correctional Home, Member Secretary, State Legal Services Authority as well as the trial court for necessary compliance.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)