

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL MISC. APPLICATION (REGULAR BAIL) NO. 9 of 2022****In****R/CRIMINAL APPEAL NO. 1598 of 2018**

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JAVED ALIAS THAKELI ALIAS CHOR AJIKHAN PATHAN**Versus****JAIL SUPERINTENDENT**

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Appearance:

for the PETITIONER(s) No.

THROUGH JAIL for the PETITIONER(s) No.

MR RC KODEKAR APP for the RESPONDENT(s) No.

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CORAM: HONOURABLE MR. JUSTICE SAMIR J. DAVE**Date : 17/10/2022****IA ORDER**

1. By way of this application preferred through the jail, the applicant-convict has prayed to release him on bail by suspending the judgment and order of conviction and sentence dated 03.03.2018 passed by the Additional Sessions Judge, City Civil and Sessions Court, Court No.17, Ahmedabad in Special (POCSO) No. 6 of 2015.

2. It appears from the record of this application that on 28.09.2022 the applicant-convict had sought for relevant papers from the concerned jail authority for the purpose of filing the

present application for bail and on receipt of the same, he had prepared the application and had, thereafter, submitted the same before Ahmedabad Central Jail, Sabarmati on 29.09.2022. The jail remarks were prepared by the jail authority only on 06.10.2022 and were, thereafter, forwarded to the Superintendent, Central Jail Office, Sabarmati, Ahmedabad. On 07.10.2022, the Dy. Superintendent, Central Jail Office, Sabarmati forwarded the application/letter to Registrar, Gujarat High Court. The said application/letter was then forwarded, through E-portal, to the Gujarat High Court on 11.10.2022. On receipt of the application from the jail authority on 11.10.2022, on the very same day, the Registrar (Judicial) of this Court took necessary action and forwarded the same to the concerned Department. On the next day, the application was registered and numbered as Criminal Misc. Application No. 9 of 2022. However, after the numbering of the application, the concerned Department had circulated the application only today, i.e. on 17.10.2022.

3. There is delay on the part of the jail authority as also on the part of the Registry of this Court in processing the application preferred by the convict. It is expected from the jail authority that as and when any application is received from any prisoner / convict through jail, the same be forwarded to the High Court, along with necessary remarks, preferably within a period of 48 hours. It is also expected from the High Court Registry that all applications received from the Jail authority are listed on Board preferably within 48 hours from the time of its receipt and if it is not possible to notify the matter in the Regular Board, then the same be notified in the Per Court Board or Special Board / Separate Board.

4. The Inspector General of Police (Prisons), Gujarat State is directed to look into the matter and to issue necessary instructions to all Jail authorities across the State of Gujarat for taking prompt action on all applications that are preferred by prisoners / convicts through the jails, as it affects and violates the Fundamental Rights of the prisoners / convicts,

who are also citizens of the country since such rights are extended to non-citizens also.

5. It is also expected from the Registry of this Court that such applications are circulated on urgent basis, preferably within a period of 48 hours from the time of receipt of such applications from the Jail authorities.

6. Insofar as the present application seeking bail is concerned, this Court finds no merits in the matter. Hence, the application is rejected.

सत्यमेव जयते

THE HIGH COURT (SAMIR J. DAVE, J)
OF GUJARAT

PRAVIN KARUNAN