

**suresh**

9G-I.A.No.CJ-LD-VC-2-2020.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**I.A.No.CJ-LD-VC-2 OF 2020**

(For Direction)

**WITH**

**I.A.NO.CJ-LD-VC-1 OF 2020**

(For Interim Relief)

**IN**

**PIL-CJ-LD-VC-2 OF 2020**

Peoples Union Civil Liberties & Anr. .... Applicants  
**In the matter of**  
Peoples Union Civil Liberties & Anr. .... Petitioners  
Vs.  
State of Maharashtra & Anr. .... Respondents

Mr. Mihir Desai, Senior Advocate with Ms Isha Khandelwal & Ms Kritika Agarwal for the Petitioners.

Mr. A.A. Kumbhakoni, Advocate General with Mr. Deepak Thakare, PP & Mr. S.R. Shinde, APP, for the State.

Mr. Nitin Wagehal, Superintendent of Arthur Road Central Prison, Mumbai, present.

**WITH**

**CRI. I.A. 1 OF 2020**

(Converted from OS)

**In**

**PIL No.15 of 2018**

Archana Rupwate .... Applicant  
**In the matter of**  
Archana Rupwate .... Petitioner  
Vs.  
State of Maharashtra & Others .... Respondents

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Mr. Mihir Desai, Senior Advocate i/by Ms Afreen Khan for the Petitioner.

Mr. A.A. Kumbhakoni, Advocate General with Mr. Deepak Thakare, PP & Mr. S.R. Shinde, APP, for the State.

WITH

CRI. PIL-CJ-LD-VC-5 OF 2020

Geeta Bharat Jain

... Petitioner

Vs.

State of Maharashtra & Others

... Respondents

Mr. Sunny Punamia for the Petitioner.

Mr. A.A. Kumbhakoni, Advocate General with Mr. Deepak Thakare, PP & Mr. S.R. Shinde, APP, for the State.

WITH

CRI. PIL-CJ-LD-VC-24 OF 2020

Devmani Shukla & Anr.

... Petitioners

Vs.

State of Maharashtra & Others

... Respondents

Mr. Bhavesh Parmar with Mr. Monil Punjabi i/by Ms Gauri Govilkar for the Petitioners.

Mr. A.A. Kumbhakoni, Advocate General with Mr. Deepak Thakare, PP & Mr. S.R. Shinde, APP, for the State.

Mr. Milind Todkar, Deputy Secretary – MSLSA, present.

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**CORAM: DIPANKAR DATTA, C.J. &  
K.K. TATED, J.**

**DATE : JUNE 16, 2020**

**P.C:**

1. Reports have been filed by the Additional Director General of Police & Inspector General of Prisons & Correctional Services, Maharashtra State [hereafter “the ADG (Prisons)”] as well as the Registrar (Legal & Research) of this Court in compliance with the earlier order dated June 12, 2020.
2. The report of the ADG (Prisons) reveals a very sorry state of affairs. Four inmates of correctional homes, who were under-trial prisoners, have passed away while being lodged there. Swab samples collected after their death, revealed that the deceased were suffering from Covid-19. Mr. Desai, learned Senior Advocate appearing for the petitioners in the first two PIL petitions has also referred to the annexure to the report of the ADG (Prisons) and by pointing out to the figures appearing therein has contended that the number of tests amongst the inmates of the correctional homes across Maharashtra is

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abysmally low, which requires corrective measures to be adopted by the State.

3. Having regard to the facts and figures, we considered it necessary to request Mr. Kumbhakoni, learned Advocate General for the State of Maharashtra, to appear in these matters and to obtain appropriate instructions from the prison authorities on the points raised by Mr. Desai as well as the point raised in the report of the ADG (Prisons) that there is insufficient space for quarantining those inmates of correctional homes, who test positive. Having regard to a particular disclosure in such report, the Collectors of various districts have also to be encouraged to explore and identify space available for such quarantine. Mr. Kumbhakoni has prayed for time till Friday next to return with better instructions.

4. Time, as prayed for, is granted. We are sure that Mr. Kumbhakoni shall be provided the requisite instructions to enlighten us, *inter alia*, on the number of under-trial prisoners/convicts presently lodged in all the correctional homes across Maharashtra; the number of inmates who are aged in excess of 60 years; diseases, if any, from which such elderly

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inmates are suffering from; and also the capacity of each correctional home for accommodating under-trial prisoners/convicts. Depending on the submissions that are advanced on the next date, we propose to issue appropriate directions.

5. Insofar as the second grievance that was voiced by Mr. Desai on the last occasion is concerned, we find that the ADG (Prisons) has permitted the Superintendents of all correctional homes to purchase additional cellular phones with a view to enforce the terms of the circular dated February 12, 2019. The Superintendents, we have no doubt, shall act in terms of the instructions issued by the ADG (Prisons) to enable the inmates of the prisons to have wider interaction with their family members.
6. Moving on to the third and final point of concern voiced by Mr. Desai on the last occasion, we find that the instructions given to him were quite incorrect. It is not 11,857 applications but only 1,342 applications for temporary bail that are pending in all Courts across Maharashtra to avail the benefits of the High Powered Committee's recommendations. In that view of the

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matter, we see no reason to keep this issue pending for decision and close it with the observation that all such pending applications shall be disposed of as expeditiously as possible in accordance with law.

7. Put up the first two PIL petitions together with the other petitions on board involving similar issues on Friday next (June 19, 2020).
8. This order will be digitally signed by the Senior Private Secretary of this Court. All concerned will act on production by fax or Email of a digitally signed copy of this order.

(K.K. TATED, J.)

(CHIEF JUSTICE)