



**IN THE COURT OF PRINCIPAL DISTRICT &
SESSIONS JUDGE, AHMEDABAD (RURAL)**

CRIMINAL MISC. APPLICATION NO.4057 OF 2025

APPLICANT:

Kamargani alias Armanmiya Habibuddin Usmani (Maulvi)

UTP 647/25.

(At present in Central Jail, Sabarmati, Ahmedabad).

V/s.

OPPONENT :

The State of Gujarat.

Subject: Application by applicant - Kamargani alias Armanmiya Habibuddin Usmani (Maulvi) regarding allegations of administrative harassment, illegal ATS interference, denial of legal access, and prayer for preservation of CCTV footage and impartial investigation.

ORDER BELOW EXHIBIT – 1

1) Ld. Advocate Mr. M.C.Hakim appearing for the applicant - Usmangani Habibuddin Usmani submits that applicant has been falsely implicated in a conspiracy due to political reasons and has suffered persistent harassment by the ATS and Sabarmati Jail administration during his 45-month custody. He alleges that despite multiple orders from this Hon'ble Court, Jailor Ashish Vakil and other officials have deliberately obstructed his access to legal grievance forms, intercepted privileged communications with advocate, and maintained an illegal ATS presence within the prison. It is submitted that internal investigations by the IG Prisons were biased and retaliatory, labeling him a habitual complainant while ignoring his reports of ATS officer Gopal Sharma's unauthorized movements. Citing deteriorating health

including two minor heart attacks and chronic hypertension and a fear for his safety under the current jail leadership, the applicant prays for the preservation of specific CCTV footage, an impartial investigation into the alleged misconduct, and a formal order ensuring his right to petition to higher authorities, warning that he will resume a hunger strike for which named ATS and jail officials in the application shall be held responsible if his grievances remain unaddressed. It is accordingly urged to allow the present application.

2) Ld. Special Public Prosecutor Mr.A.M.Patel appearing for the Opponent – State has vehemently opposed the grant of present application. Accused - Kamargani alias Armanmiyan Habibuddin Usmani (a 40-year-old resident of Lucknow, U.P.), was arrested on 30/01/2022, in connection with Dhandhuka Police Station C.R. No.11192018220020/2022 involving serious charges for the offence under Section 302, 307, 120(b), 201 of The Indian Penal Code, Section 25(1-b)(a), 27, Section 135 of the Gujarat Police Act, Section 3(1)(1), 3(2) of the GujCTOC Act, Section 13(1)(a)(b), 16(1)(a), 17, 18, 20 of the UAPA Act. He submits that accused - Kamargani alias Armanmiyan Habibuddin Usmani is a habitual violator of prison discipline who uses meritless litigation and false allegations as a calculated strategy to pressure law enforcement and bypass jail regulations. Accused's claims of harassment by the ATS and jail administration are entirely fabricated. ASI Gopalbhai Sharma of the ATS only visits the facility to monitor visitors of high-risk prisoners. Furthermore, investigation into several of the prisoner's complaints including those involving Senior Jailor

Ashish Vakil found to be baseless and intended solely to defame the administration after his unauthorized demands were refused. The prisoner is currently housed in the 200 Kholi section, the most secure part of the jail, rendering his claims of being unsafe or at risk of an incident factually unsupported. Regarding the specific incidents mentioned in the application, it is submitted that a documented history of disruptive behavior and subsequent disciplinary actions, referred to as jail cases. It is submitted that for instance, in January 2025, the prisoner went on a hunger strike but ended it after counseling, later submitting a written statement admitting he faced no harassment. It is submitted that a significant breach of protocol on 01/11/2025, when the accused bypassed censorship by unauthorizedly handing 17 documents including RTI papers and medical records to his advocate during a legal visit. This act, along with previous instances of using abusive language toward staff, refusing lock-up, and making suspicious remarks during recorded telephone calls to his brother, led to various punishments such as the suspension of visitation, canteen, and telephone privileges. The prosecution also refused the claims that the accused is being denied legal or medical resources. It is submitted that records indicate that he was provided with 7 application papers in 2024 and 17 in 2025 specifically for court representations, contradicting his assertions of being blocked from legal redress. On the medical front, the prosecution provided evidence that the prisoner has received consistent care, including multiple transfers to Ahmedabad Civil Hospital and U.N. Mehta Hospital for advanced treatment. It is submitted that the application is not a plea for justice, but a habitual attempt to disrupt prison discipline and escape the

consequences of his repeated rule violations. Ld. Special Public Prosecutor has placed reliance on the report (Exh.3) filed by the I.O. and parawise reply annexed with the same and has urged to reject the application.

3) Heard Ld. Advocates for the respective parties. It transpires that the present application is preferred by the applicant – accused for preservation of specific CCTV footage of the Sabarmati Central Jail, an impartial investigation into alleged custodial misconduct, and a formal direction to ensure his right to petition to higher authorities without obstruction. The applicant primarily submit that his 45-month custody has been marked by persistent harassment, the interception of privileged legal communications, and the illegal presence of ATS officials within the prison premises, further alleging that his deteriorating health and safety are being compromised by the jail administration. However, upon a comprehensive perusal of the record, the report filed by the I.O. (Exh.3) and the parawise reply annexed with the same, it transpires that the applicant's claims of persistent harassment by the ATS and Sabarmati Jail administration appears to be bare assertions lacking corroborative evidence. While the applicant alleges illegal ATS presence, the prosecution has clarified that the presence of ASI Gopalbhai Sharma is limited to the authorized monitoring of high-risk prisoner visitors. The internal investigations conducted by the IG Prisons have already addressed these complaints and found them to be baseless. Without any new prima facie evidence to the contrary, the court cannot discard the findings of the prison authorities. It transpires that the record indicates that the applicant is a habitual violator of

prison discipline. The prosecution provided specific instances of misconduct, including refusal to follow lock-up procedures, use of abusive language toward jail staff, making suspicious and unauthorized remarks during recorded telephone calls.

3.1) As per the submission of the prosecution, on 01/11/2025, the applicant bypassed censorship by handing over 17 documents to his advocate during a legal visit, which is a direct violation of jail manual rules regarding the scrutiny of documents. The applicant's claim that he is being denied access to legal grievance forms and medical care is directly contradicted by the prison records. It transpires from report of I.O. that the applicant was provided with 7 application papers in 2024 and 17 in 2025 specifically for court representations. This demonstrates that his right to legal redress is active and unhindered. The report filed by the I.O. also shows the applicant has received consistent treatment, including transfers to specialized facilities like Ahmedabad Civil Hospital and U.N. Mehta Hospital. The claim of medical neglect is factually unsupported. The applicant's credibility is undermined by his past conduct. As per the report of I.O. in January 2025, after embarking on a hunger strike, the applicant voluntarily submitted a written statement admitting he faced no harassment and ended the strike following counseling. This suggests a pattern of using hunger strikes as a coercive tactic rather than a response to genuine mistreatment. As per the report of I.O. the applicant is currently housed in the 200 Kholi section, which is the most secure zone of the Sabarmati Jail. Given this high level of security and the constant supervision of high-risk inmates, his expressed fear for safety lacks a factual

basis. The application appears to be an attempt to bypass the administrative hierarchy of the prison system. Since the applicant's rights to health and legal counsel are being met albeit within the constraints of high-security imprisonment the application is deemed an abuse of the process of law.

4) In light of the detailed report filed by the Investigating Officer and submissions of the Ld. Special Public Prosecutor, it is evident that the jail administration is acting within the bounds of the Jail Manual, this Court do not find any reason to grant the present application and accordingly the present application is **rejected**. While rejecting this application it is observed that if the applicant requires any medical treatment or legal advice, applicant want to make any representation, then the Jail Authority shall strictly consider the same in accordance with Jail rules.

Date :11/03/2026
Place:Ahmedabad

(Kamal M. Sojitra)
Principal District & Sessions Judge &
Designated Special Judge (GujCTOC)
Ahmedabad (Rural)
U.I.Code No.GJ01494