

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPPIL No. 14 of 2024

In The Matter Of Suo Moto Public Interest Litigation **Versus** The State Of
Chhattisgarh

06.03.2024	This matter is taken as <i>Suo-motu</i> cognizance. Heard Shri YS Thakur, learned Additional Advocate General for the State. Also heard Ms Priyanka Shukla, learned counsel for the intervenors. Shri YS Thakur, learned Additional Advocate General for the State submits that an Additional Affidavit dated 05.03.2024 has been filed in compliance of the Court order dated 01.03.2024, which is solemnly affirmed by Shri Rajesh Mishra, presently posted as Director General, Prison and Correctional Services, Nawa Raipur, Distt.Raipur, and the same has been taken on record. Contents of the Additional Affidavit dated 05.03.2024 are drawn below for ready reference: 1. That, the present public interest litigation was suo-moto registered on the basis of news item namely "जेलर ने बंदियों को पीटा, किसी का सिर फूटा तो किसी को गंभीर जख्म" published in
------------	--

"Raigarh Bhaskar" of Dainik Bhaskar newspaper on 28.02.2024.

2. That, the matter came up for hearing before the Hon'ble Court on 01.03.2024 and after hearing the Hon'ble Court directed the Director General (Prisons), Chhattisgarh to file his personal affidavit in the matter bringing on record the report regarding the incident and action, if any, taken against the jails officials.

3. That, the Director General, Prison and Correctional Services on receipt of information with respect to Sub Jail, Sarangarh through media reports, directed the Jail Superintendent, Central Jail Bilaspur to visit the Sub Jail Sarangarh and submit a detailed report. A copy of the order dated 27.02.2024 issued by the Director General, Prison and Correctional Services is filed herewith as ANNEXURE D-1.

The Jail Superintendent, Central Jail, Bilaspur on receipt of the order dated 27.02.2024 proceeded for spot inspection of Sub Jail, Sarangarh. In Sub Jail, Sarangarh, the Jail Superintendent, Central Jail, Bilaspur recorded the statement of the Assistant Jail Superintendent Sandeep Kashyap, other staff members of the Jail and also some inmates of Sub Jail, Sarangarh. Statement of as many as 16 inmates were recorded. After recording the statement and inspection of Sub Jail

Sarangarh, the Jail Superintendent, Central Jail, Bilaspur submitted his report on 29.02.2024. A copy of enquiry report is filed as ANNEXURE D-2.

According to the report dated 29.02.2024, an information was received by the Main Gate Keeper that there is a prohibited item which can be a mobile in Barrack No. 4. On the basis of information, the Barrack No. 4 was inspected and a mobile was recovered from under-trial prisoner Rohit Patel S/o Ishwar Patel S/o Ishwar patel and Sagar Das S/o Manbodh Das. On enquiry, Rohit Patel and Sagar Das submitted that the said mobile was provided to them by Tikeshwar Sahu Prahri.

On the next date i.e. 25.02.2024 in early morning after opening the lock-up, an enquiry was conducted by the Jail Staff for which the inmates were called. During enquiry and cross-questioning some of the inmates became aggressive and started threatening the Jail Staff. The inmates also started physical aggression against the Jail Staff and to control the situation the Staff used force. Subsequently in the afternoon one of the undertrial inmates Dinesh Chouhan complained of pain which was attended by the Jail Doctor D.D. Sahu and for further treatment referred to Community Health Center Sarangarh evening.

The Enquiry Officer i.e. the Jail Superintendent, Central Jail Bilaspur submitted reasons for the situation in Sub Jail Sarangarh specifying that there was laxity in control of the Staff of the Jail and the inmates. The inmates had access to intoxicated substance within the Jail there were rival groups in the Jail Staff.

On receipt of the report further actions were initiated against some of the Jail Staff including the Assistant Jail Superintendent.

4. That, vide order dated 01.03.2024 Shri Sandeep Kashyap, Assistant Jail Superintendent, Sarangarh Sub Jail has been suspended by the deponent. Copy of suspension order dated 01.03.2024 is filed herewith as ANNEXURE D-3. It is further submitted that Jail Superintendent, Central Jail, Bilaspur vide orders dated 01.03.2024 and 02.03.2024 suspended Shri Tikeshwar Sahu, Warder, Shri Maheshwar Hichami, Warder and Shri Rajkumar Kurre, Chief Warder. Copy of suspension orders dated 01.03.2024 and 02.03.2024 are filed collectively as ANNEXURE D-4.

5. Further a complaint was received by the District Magistrate Sarangarh that Assistant Jail Superintendent as well as Jail Staff of Sarangarh Sub Jail also had beaten up the inmates to extort

money on which the District Magistrate, Sarangarh initiated an enquiry based on which an offence was registered. It is humbly submitted that the Police Station, Sarangarh has already registered the offence under Section 294, 323, 327, 34, 384 of IPC against Shri Sandeep Kashyap, Shri Rajkumar Kurre, Manendra Verma and Maheshwar Himachi. Further it is respectfully submitted that the above persons have been arrested and sent to Jail on the basis of warrant issued by the Chief Judicial Magistrate, Sarangarh, Distt. Sarangarh-Bilaigarh C.G.). Copy of report dated 03.03.2024 is filed herewith as ANNEXURE D-5.

6. Disciplinary action has been initiated by the Department against the above suspended officers/ Jail Staff of the Sub Jail Sarangarh. Further the incident has been taken very seriously by the Jail Headquarter and all possible action is being taken against the delinquents.

7. Necessary instructions have been issued to all the Jail Authorities of every Jail in the State to follow the Rules and Regulations enshrined under the Jail Manual so that no such incident occurs in future.

On perusal of the affidavit it transpires that after conducting enquiry, Shri Sandeep Kashyap, Assistant Jail Superintendent,

Sarangarh Sub-Jail has been suspended along with some other Officers, and the collective suspension orders are filed as Annexure D-3 and Annexure D-4. FIR has also been registered under Sections 294, 323, 327, 34, 384 of the IPC against some officers of the prison and the persons found guilty were sent to jail on the basis of warrant issued by the Chief Judicial Magistrate, Sarangarh, district-Sarangarh-Bilaigarh. Copy of report dated 03.03.2024 is filed as Annexure D-5. After recording the statement and inspection of sub-jail, Sarangarh, the Jail Superintendent, Central Jail, Bilaspur submitted his report dated 29.02.2024, Annexure D-2, wherein, he found certain misdeeds in the functioning of the Jail.

On perusal of the same and the averments made thereof, it transpires that the functioning in the sub-jail of Sarangarh was not found proper and there are some illegal activities going on inside the Jail, which is to be taken care of by the Director General (Prison) after cognizance taken by this Court in the PIL.

Learned State counsel further submits that the above are the steps taken by the State on account of the cognizance taken by this Court in the PIL, and also assure that maintenance of the prisons be maintained well in future.

Application for intervening /impleadment in the matter filed on behalf of injured inmates Dinesh Chauhan and Sagar Das Mahant, has also brought on record certain facts which also required to be considered by this Court, and if the same are found to be correct, then the matter will be a serious one. Director General (Prison), Chhattisgarh is directed to file a personal affidavit in this regard.

Learned counsel for the State is directed to forward a copy of this order along with copy of intervention application filed on behalf of the inmates of jail Dinesh Chauhan and Sagar Das Mahant to the Director General (Prison).

List this case on **19th March, 2024**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice