

@\$

Cr1.A.No. 284 OF 1998  
ITEM No.1

Court No.10

SECTION IIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CRLMP No.12630/04 In  
Criminal Appeal No. 284/1998

STATE OF MAHARASHTRA & ORS

Appellant (s)

VERSUS

ASHA ARUN GAWALI & ANR

Respondent (s)

(For modification under Order XLVII Rule 6 of Supreme Court Rules,1966)

Date : 08/04/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT  
HON'BLE MR. JUSTICE S.H. KAPADIA

For Appellant (s)Mr. Mukesh Giri,Adv.  
Mr. Ravindra Keshavrao Adsure,Adv.

For Respondent (s)Mr. M.D. Adkar,Adv.  
Mr. Vijay Kumar,Adv.  
Mr. Vishwajit Singh,Adv.

Mrs. Rekha Pandey,Adv.  
Mrs. Sushma Suri,Adv.  
Mr. P. Parmeswaran,Adv.

UPON hearing counsel the Court made the following  
O R D E R

The application for modification is rejected in  
terms of the signed order.

The matter shall be listed on 25th April, 2005.

(Neena Verma) (Naresh Kumar)  
Court Master Court Master

Signed order is placed on the file.  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL MISC. PETITION NO.12630 OF 2004

IN

CRIMINAL APPEAL NO.284 OF 1998

State of Maharashtra and Ors.  
...Appellants

Versus

Asha Arun Gawli and Anr.  
...Respondents

O R D E R

This is an application for modification of the judgment dated 27.04.2004 in State of Maharashtra and Ors. Vs. Asha Arun Gawli and Anr. (2004 (5) SCC 175). It is stated that the challenge to the order quashing the detention order was seriously pressed, but the Bench has observed that it was not seriously pressed. We find hardly any merit in this plea because the order of the High Court quashing the order of detention could not have been interfered with because of the background facts indicated in the High Court's order. The application for modification is, therefore, rejected.

By the judgment in paragraph 15 at page 181 of the report, we had given five directions. These directions were given taking into account the stand of the State Government that the detenu, while in jail, was monitoring criminal activities and was leading a princely life. In that view of the matter, it was directed as follows :

"(1)The State Government shall cause enquiry into the matter in depth and whatever action has to be taken departmentally or in accordance with the criminal laws shall be taken within six months from today. The directions for imposition of costs on the appellants Mahadu Govindrao Narvane and P. Subramaniam personally are waived for the present.

(2)Since the other officials in respect of whom costs were imposed have not questioned the imposition, the directions of the High Court in relation to such officers remain unaltered.

(3)So far as the two appellants before this Court i.e. P. Subramaniam and Mahadu Govindrao Narvane are concerned, it shall be open to the Government to initiate actions against them if felt necessary even if they have retired on the basis of enquiry as directed.

(4)Judicial officers go for inspection of jails periodically. The disturbing features noticed in the case at hand shall be kept in view by them while they make the inspections and appropriate remedial measures and actions shall be taken on the basis of the report, if any, submitted by the officers concerned.

(5)The Government may consider the appointment of a Commission headed by a former Judge of the Supreme Court, to be assisted by a former Inspector General of Prisons and DG Police to probe into the nature of such lapses and explore the possibilities of effectively curbing their recurrence and devising methods and means to prevent them by appropriate statutory provisions or rules, to sufficiently meet the exigencies of the situation."

Let an affidavit be filed within two weeks as to the action taken pursuant to directions Nos. 4 and 5 given.

The matter shall be listed on 25th April, 2005.

.....J.

( ARIJIT PASAYAT )

.....J.

( S.H. KAPADIA )

New Delhi,  
April 08, 2005.