

Corrected\*

ITEM NO.15 Court 3 (Video Conferencing) SECTION II-C

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 2264/2015

(Arising out of impugned final judgment and order dated 26-08-2014 in DSR No. 1/2014 26-08-2014 in CRLA No. 563/2014 passed by the High Court Of Delhi At New Delhi)

RAHUL Petitioner(s)

VERSUS

STATE OF DELHI MINISTRY OF HOME AFFAIRS &amp; ANR. Respondent(s)

([ DEATH CASE ]

IA No. 4735/2015 - Appln. for exempt from filing c/c of impugned order

IA No. 4736/2015 - EXEMPTION FROM FILING O.T.)

WITH

SLP(Cr1) No. 597-598/2016 (II-C)

(IA No.109664/2017-I/A FOR PERMISSION TO FILE ANNEXURES A-1 TO A-39 IN THE FORM OF VOLUME II - LEGAL AID MATTER)

SLP(Cr1) No. 3171-3172/2015 (II-C)

Date : 25-03-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Ms. Sonia Mathur, Sr. Adv. (AC)  
Ms. Shivani Misra, Adv.  
Mr. Puneet Pathak, Adv  
Mr. Harinder Mohan Singh, AORMr. A. Sirajudeen, Sr. Advocate  
Ms. Nidhi , AOR (SCLSC)  
Ms. Kasturika Kaumudi, Advocate  
Mr. Jaydip Pati, AdvocateFor Respondent(s) Ms. Aishwarya Bhati, Ld ASG  
Ms. Kiran Suri, Ld. Senior Advocate

Mr. Prashant Singh , Advocate  
Mr. SS Ray, Advocate  
Ms. Ruchi kohli, Advocate  
Mr. B. V. Balaram Das, AOR

Dr. Charu wali khanna àdvocate.  
Mr. Krishna Kumar àdvocate.  
Ms. Nandani Gupta advocate.  
Dr. (mrs. ) Vipin Gupta, AOR

Mr.Gopal Sankar Narayanan, Sr.Advocate  
Mr.A.Venayagam Balan, AOR  
Mr.C.M.Sundaram Iyer, Advocate

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

Copies of the report received from Shri Satish Kumar, Visiting Judge, Jail No.4/ASJ/SFTC-2 (Central), Tis Hazari Court, Delhi, have been given to the learned counsel appearing for the parties.

We have heard Ms. Sonia Mathur, learned Amicus Curiae & Mr. A. Sirajudeen, learned Senior Advocate for the accused, Dr. Charu Wali khanna, learned àdvocate, appearing for the father of the deceased and Ms. Aishwarya Bhati, learned ASG for the respondent-State.

Ms. Sonia Mathur, learned amicus curiae submits:-

(a) The Punishment Ticket issued to Amar, S/o Balbir Singh, Rakesh, S/o Ramesh Pandey, Rahul, S/o Kanwar Pal Singh and Sachin, S/o Naresh shows that they were taken to jail OPD for medical treatment. However, the relevant certificates or reports of the concerned date are not placed on record.

(b) The prescription appended to the affidavit filed by the State shows that accused Rahul was receiving medical treatment from Dr. Vivek Dave, Senior Resident Psychiatry, Central Jail Hospital,

Tihar, New Delhi who had prescribed certain medicines. Whether the tablets in question, were the same that were prescribed or not, is not clear from the record.

(c) In keeping with the directions issued by various courts from time to time and particularly in the light of the directions issued in the latest judgment of this Court reported in (2021) 1 SCC 184\*, the Jail Authorities are obliged to install CCTV cameras at various places in the jail. No CCTV footage are stated to be available.

(d) The hand-written portion below the Punishment ticket shows that punishment of withdrawing mulakat alongwith phone and canteen facility was inflicted upon the concerned inmates.

Such imposition of punishment was not in keeping with the relevant provisions.

(e) The learned Judge had observed that accused Rahul was unable to walk properly. The Jail Superintendent was, therefore, asked to get accused Rahul medically examined and to furnish Certificate. No such documents pertaining to his medical examination are placed on record.

(f) The medical report dated 20.03.2021 under the signature of Medical Officer In-charge shows that the patient was planned for x-ray, but the relevant x-ray in that behalf is also not placed on record.

According to Mr. Raj Kumar, Superintendent of Jail, Tihar Jail, who was connected through video conferencing, CCTV camera has been installed at the medical dispensary. However, according to him, the life of CCTV footage is only four days and as of now, no

footage is available.

Mr. A. Sirajudeen, Sr. Advocate submits that even if CCTV footages are not stated to be available, the data can still be retrieved from the hard-disk and for that purposes, the hard-disk in question, be taken in custody.

In order to have all the relevant facts on record, we direct as under:

(A) Mr. Raj Kumar, Jail Superintendent shall file an affidavit by 05.04.2021 disclosing all the steps undertaken by him in connection with the incident that occurred on 14.03.2021. The affidavit shall disclose where exactly the CCTV cameras have been installed and whether the Control Room and the boundary wall of the jail are covered by CCTV cameras or not. It shall also disclose under what circumstances, materials, such as, tobacco pouches or any other contraband/such things find their way inside the jail premises and what kind of preventive and other measures are being taken by the jail authorities.

The affidavit shall also disclose the make of CCTV camera which have been installed which according to Mr. Raj Kumar does not have life greater than four days for CCTV footage; so also about the time lines adhered to and required for installing CCTV cameras and the budgetary allocation made for such installations.

(B) With regard to the budgetary allocation and the kind of cameras installed in the jail premises, an affidavit shall also be filed by the concerned official from the Home Ministry of the respondent-State with explanation as to why the life of CCTV

footages is confined only to four days.

(C) We also ask Dr. Vineet, Medical Officer, Jail Hospital, Tihar Jail as well as Dr. Vivek Dave, Senior Resident (Psychiatry) to file their statements touching upon the issues pertaining to the present controversy.

Copies of the orders passed by this Court shall be transmitted to Dr. Vineet, Medical Officer, Jail Hospital, Tihar Jail as well as Dr. Vivek Dave, Senior Resident (Psychiatry) by the Registry of this Court.

Let the affidavits and the statements be filed in the Registry of this Court on or before 05.04.2021.

We must record the submission advanced by Ms. Charu Wali Khanna, learned advocate appearing for the father of the deceased. It was submitted by her that no compensation has been made over to the father of the victim and despite various requests, the concerned authorities have not made any responses. We need not go into the question as Ms. Aishwarya Bhati, learned ASG has assured this Court that she will personally look into the matter and see to it that the needful is done in the matter.

List for further consideration on 08.04.2021 as first item on the Board.

(INDU MARWAH)  
COURT MASTER (SH)

(VIRENDER SINGH)  
BRANCH OFFICER