Most urgent/Out at once (1)

OFFICE OF THE DISTRICT & SESSIONS JUDGE (HQs): DELHI

No. 14671-821 Genl./Jud.Circl./HCS/2020 Dated, Delhi the 06 JUL 2020

Copy of the letter alongwith order dated 29.06.2020 passed by Hon'ble Division Bench of High Court of Delhi in Writ Petition (Criminal) No. 986/2020 & Crl. M.A. 8344/2020 titled as " Chirag Madan Vs. Union of India & Ors" be circulated for information and necessary action/compliance to:-

1. All the Ld. Judicial Officers posted in Central District, Tis Hazari Courts, Delhi.
2. The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the website of Delhi District Courts.
3. The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no. DJA/Dir./Acd./2019/4306 dt. 06.08.2019.
4. For uploading the same on Centralized Website through LAYERS.
5. PS to Ld. District & Sessions Judge (HQs), Tis Hazari Courts, Delhi.

6/7/2020

(CHARU AGGARWAL)
Officer-In-Charge (Genl. Branch)
Addl. District & Sessions Judge
Central District, Tis Hazari Courts, Delhi

Encls: As above.

No. 14822 /Genl./Judg. Circl./HCS/2020 Dated, Delhi the 06 JUL 2020

Copy to:

The Registrar General, Hon'ble High Court of Delhi, New Delhi for information please.

6/7/2020

Officer-In-Charge (Genl. Branch)
Addl. District & Sessions Judge
Central District, Tis Hazari Courts, Delhi

MOST URGENT/FORTHWITH

IN THE HIGH COURT OF DELHI AT NEW DELHI

No. 23391— 1?

Dated 01-7.2020

The Registrar General
High Court of Delhi
New Delhi

To,

1. The Chief Secretary, Delhi Government, Delhi Secretariat, I.P.Estate, Delhi.
2. The District & Sessions Judge (HQ), Tis Hazari Courts, Delhi
3. The District & Sessions Judge, Central, Tis Hazari Courts, Delhi
4. The District & Sessions Judge, West, Tis Hazari Courts, Delhi
5. The District & Sessions Judge, New Delhi, Patiala House Courts, Delhi
6. The District & Sessions Judge, South, Saket Courts, Delhi
7. The District & Sessions Judge, South East, Saket Courts, Delhi
8. The District & Sessions Judge, East, Karkardooma Courts, Delhi
9. The District & Sessions Judge, North East, Karkardooma Courts, Delhi
10. The District & Sessions Judge, Shahdara, Karkardooma Courts, Delhi
11. The District & Sessions Judge, North West, Rohini Courts, Delhi
12. The District & Sessions Judge, North, Rohini Courts, Delhi
13. The District & Sessions Judge, South West, Dwarka Courts, Delhi
14. The District & Sessions Judge, Rouse Avenue Courts, New Delhi
15. The Member Secretary, Delhi State Legal Services Authority (DSLSA), Patiala House Courts, Delhi
16. The Director General (Prisons), Prisons Headquarter, Central Jail, Tihar, Delhi.
17. The Superintendent, Central Jail, Tihar, Delhi.
18. The Superintendent, Central Jail, Mandoli, Delhi.
19. The Superintendent, Central Jail, Rohini, Delhi.

WRIT PETITION (CRIMINAL) NO. 956/2020 & CRL.M.A. 8344/2020

CHIRAG MADAN Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent (s)

Public Interest Litigation under Article 226 and 227 of the Constitution of India seeking directions to the courts subordinate to this Hon'ble Court for supply of status reports/report by the Jail Superintendent/reply filed on behalf of the prosecution at the time of hearing bail applications to the accused/counsel for the accused.

Sir,

I am directed to forward herewith for immediate compliance/necessary action a copy of judgment/order dated **29.06.2020** passed in the above case by **Hon'ble Division Bench** of this Court.

Necessary directions are contained in the enclosed copy of order.

Yours faithfully

A.O.J.(Crl.)
for Registrar General

Encl: Copy of order dated 29.06.2020
memo of parties

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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P (CRL) NO. 923 /2020

IN THE PUBLIC INTEREST LITIGATION OF:

CHIRAG MADAN ..... PETITIONER

VERSUS

UNION OF INDIA & ORS ..... RESPONDENT(S)

MEMO OF PARTIES

IN THE MATTER OF:

Chirag Madan
S/O Mr. Chiranjeev Madan
R/O D-329, Sushant Lok-2,
Sector 56, Gurugram,
Haryana

VERSUS

1. Union of India
Through it's Secretary
Ministry Of Law And Justice
4th Floor, A-Wing, Shastri Bhawan
New Delhi 110 001
Email: vmlawyers@gmail.com
Ph: 9810196050

2. State of NCT of Delhi
(Through it's Standing Counsel)

(4) 5

Email: dhcprosecutiondelhipolice@gmail.com

Ph: 9891919168

3. The District and Sessions Judge

(Headquarters), Tis Hazari Courts

Email: DJHQSDDC@ gmail.com

Ph: 011 2395 0919

Dated: 25.06.2020
Delhi Through

Ravleen Sabharwal, Cheitanya Madan & Sai Krishna
FOR MS LAW CHAMBERS
(Advocates for the Petitioner)
J-32, LGF, Lajpat Nagar III, New Delhi-110024
PH: +919999276327 Email: contact@mslawchambers.com

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(15)

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 29.06.2020

W.P.(CRL) 986/2020 & CRL.M.A. Nos.8344-46/2020

CHIRAG MADAN ..... Petitioner

Through: Mr. Siddharth Luthra, Sr. Adv. with Ms. Ravleen Sabharwal, Mr. Cheitanya Madan, Mr. Sai Krishna, Mr. Akshay Sehgal & Mr. Saif Shams, Advs. along with petitioner-in-person.

versus

UNION OF INDIA & ORS. ..... Respondents

Through: Mr. Vikas Mahajan, CGSC with Mr. Jatin Puniyani, GP for R-1/UOI. Mr. Rahul Mehra, Standing Counsel (Crl.) with Mr. Chaitanya Gosain, Adv. for GNCTD/Delhi Police.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PRATEEK JALAN

D.N. PATEL, Chief Justice *(Oral)*

Proceedings of the matter have been conducted through video conferencing.

CRL.M.A. Nos.8345/2020 *(exemption)* **& 8346/2020** *(exemption)*

Allowed, subject to just exceptions.

Both the applications stand disposed of.

1. This Public Interest Litigation has been preferred with the following prayers:-

> *"a. Allow the present petition and pass directions for supply of status reports/ report by the Jail Superintendent/ reply filed on behalf of the prosecution at the time hearing bail applications under section 437 CrPC, 438 CrPC and 439 CrPC before the Ld. Metropolitan Magistrates and Ld. Sessions Judges to accused/ counsel for the accused.*
>
> *b. Pass any further order(s) as this Hon'ble Court may deem fit."*

2. We have heard the learned counsel for the parties at length.

3. It is submitted by Mr.Siddharth Luthra, learned Senior Counsel appearing for the petitioner that in several cases, reports are being called from Jail Superintendents in bail matters. Though the same are being relied upon by the Courts, but the copies thereof are not being supplied to the accused. Learned Senior Counsel appearing for the petitioner, in this regard, has taken this Court to various annexures and pointed out matters where orders have been passed, dismissing the bail application preferred by the accused by relying upon the report given by Jail Superintendent.

4. We have heard Mr. Rahul Mehra, learned Standing Counsel (Crl.) appearing for the Government of NCT of Delhi, who submitted that there is no specific statement, looking to the orders which are annexed with this writ petition, to the effect that in spite of demand, the accused has not been supplied a copy of the report of the Jail Superintendent. It is further submitted by Mr. Mehra that, normally, there is no reason for not supplying the copy of the report given by the Jail Superintendent or even the report of

the Investigating Officer (I.O.), save and except in exceptional cases, where reasons are recorded in writing in the order. Learned Standing Counsel for the State also pointed out that normally, the report of the Jail Superintendent is given directly to the Court, such report may be regarding the medical condition as pointed out by the accused, or may be on the conduct of the accused, etc.

5. Having heard the learned counsel for the parties and looking to the facts and circumstances of the case, it appears that whenever the Court is relying upon a report of the Jail Superintendent, which is normally called by the order of the Court for a specific purpose on case to case basis, the copy of the same should be given to the accused, save and except in exceptional cases.

6. Ordinarily, as a general rule, it ought to be kept in mind by the Courts that whenever any report is called for from the Jail Superintendent and is given to the Court either directly or through APP, copy thereof should be given to the applicant of the bail application. Whenever such copy is not supplied to the applicant of the application under Code of Criminal Procedure, especially under Sections 437, 438 and 439 of the Code of Criminal Procedure, then reasons will be recorded by the Court in the order.

7. Every rule has its own exceptions and, depending upon the facts and circumstances of the case, there may be some cases where the report cannot be so supplied. However, as a general rule, a copy of the report given by the Jail Superintendent as well as the report given by the Investigating Officer should be supplied to the applicant so that accused can properly understand the reasons given therein and defend their case in the Court of law. This is a basic need for access to justice and for rendering justice to the public at

large.

8. It further appears from the facts of the case that as far as possible, the report of the Investigating Officer as well as of the Jail Superintendent should be given to the Court in advance. Similarly, copies of these reports should also be given to the accused/applicant in advance so that they can also defend their case effectively and efficiently in the Court of law.

9. With these observations, the writ petition is allowed and disposed of. The pending application also stands disposed of accordingly.

10. A copy of this order be sent to the Chief Secretary, Delhi Government; Director General (Prisons); District and Sessions Judge of all the District Courts; Member Secretary, Delhi State Legal Services Authority (DSLSA) and all the jail authorities. This order may be complied with forthwith.

-Sd-

CHIEF JUSTICE

-Sd-

PRATEEK JALAN, J

JUNE 29, 2020
kks