OFFICE OF THE DISTRICT JUDGE/
Chairman, District Legal Services Authority, PRAYAGRAJ.

Admin. Order No. 144 **Dated : Feb.28, 2026**

ORDER

While providing a copy of Order dt. **05.02.2026** passed by **Hon'ble Supreme Court** in Criminal Appeal No. 701 of 2026 titled **Reginamary Chellamani Vs. State rep by Superintendent of Customs,** vide Letter No.**721/SLSA-Misc.-2026.(Raj/Rachit) Dt. 27.02.2026** of the Member Secretary, U.P. State Legal Services Authority, Lucknow, direction to take necessary action and ensure that, at the time of Trial, if any such accused/prisoner appears without an Advocate, the facility of a Legal Aid Defense Counsel/Panel Lawyer be provided to him/her immediately on the highest priority basis.

The operative portion of the order passed by the Hon'ble Supreme Court of India, is as follows :

> "...It is incumbent upon the Trial Courts dealing with criminal proceedings, faced with such situations, to inform the accused of their right to legal representation and their entitlement to be represented by legal aid counsel in the even they cannot afford a counsel. **The trial courts shall record the offer made to the accused in this regard, the response of the accused to such offer and also the action taken thereupon in their orders, before commencing examining the witnesses...**"

In compliance of **Hon'ble Court's above directions**, following order is being passed with immediate effect:

(a) The System Officer is directed to provide a soft/pdf copy of **05.02.2026** passed by **Hon'ble Supreme Court** in the above appeal, along with soft copy of **above letter dt. Dt. 27.02.2026** of the Member Secretary, U.P. State Legal Services Authority, Lucknow, to all the Trial Courts (dealing with criminal proceedings) of the Judgeship, for information & strict compliance in letter & spirit.

(b) A hard-copy of above mentioned order passed by **Hon'ble Court** in aforementioned matters, along with soft copy of above Letter of Member Secretary, U.P. S.L.S.A. be also circulated among all the all the Trial Courts (dealing with criminal proceedings) of the Judgeship, for information & strict compliance in letter & spirit.

(c) The Secretary, District Legal Services Authority, Prayagraj is also directed to take all such necessary steps which might be required for ensuring compliance of Hon'ble Court's above directions in letter and spirit.

Inform all concerned for strict compliance.

28.2.2026

(Satya Prakash Tripathi)
District Judge/Chairman, D.L.S.A.
Prayagraj.

Encl. As above.
Dated : Feb.28 2026

Dr. (Smt.) Manu Kalia
HJS
Member Secretary

आज़ादी का अमृत महोत्सव

उत्तर प्रदेश राज्य विधिक सेवा प्राधिकरण
U.P. State Legal Services Authority

(विधिक सेवा प्राधिकरण अधिनियम 1987 के अन्तर्गत गठित)

To,
All the District Judges/Chairmen
District Legal Services Authorities
Civil Court Premises, Uttar Pradesh

No: 721 /SLSA-Misc.-2026/ (Raj/Rachit) Dated: February 27, 2026

Sub: Regarding providing Legal Aid Defense Counsel to Prisoner at the time of Trial.

Madam/Sir

Kindly have the reference of the order passed by the Hon'ble Supreme Court of India, New Delhi, in Criminal Appeal No.701 of 2026 on 05.02.2026 (copy enclosed). In this regard, the operative portion of the order passed by the Hon'ble Supreme Court of India is as follows:-

"...It is incumbent upon the Trial Courts dealing with criminal proceedings, faced with such situations, to inform the accused of their right to legal representation and their entitlement to be represented by legal aid counsel in the event they cannot afford a counsel. The trial courts shall record the offer made to the accused in this regard, the response of the accused to such offer and also the action taken thereupon in their orders, before commencing examining of the witnesses.."

It is, therefore, requested to your good-selves to kindly take necessary action and ensure that, at the time of Trail, if any such accused/prisoner appears without an Advocate, the facility of a Legal Aid Defense Counsel/Panel Lawyer be provided to him/her immediately on the highest priority basis.

Encl: As above
With kind regards,

Yours sincerely

Dr. (Smt.) Manu Kalia
Member Secretary

4/7, गोमती नगर विस्तार, लखनऊ, 4/7, Gomti Nagar Extension , Lucknow
Phone : 0522-2286395, Fax 0522 2286265 Toll Free No. : 1800 419 0234
E-Mail : upslsa@nic.in Website : upslsa.up.nic.in

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REPORTABLE

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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 701 OF 2026
(arising out of SLP(Crl.) No. 18886/2025)

REGINAMARY CHELLAMANI APPELLANT(S)

VERSUS

26019274

STATE REP BY SUPERINTENDENT OF CUSTOMS RESPONDENT(S)

Certified to be true copy
Assistant Registrar (Judl.)
.....12/2/.....2026
Supreme Court of India

O R D E R

Leave granted.

The appellant, Reginamary Chellamani, is aggrieved by the denial of regular bail by the High Court of Judicature at Madras, *vide* order dated 24.07.2025 passed in Crl.O.P. No. 7857/2025, in relation to Case R.R. No. 41/2021 (C.C. No. 225/2022 on the file of the learned Principal Special Judge under EC and NDPS Act Cases,

Sri Santosh Kumar
Secretary

PS

Chennai), for the offences punishable under Section 8(c) read with Sections 20(b)(ii)(C), 22(c), 23, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985[1] read with Section 135 of the Customs Act, 1962.

The amount of contraband substance allegedly seized from the person of the appellant, Reginamary Chellamani, is stated to be above the commercial quantity prescribed in that regard under the aforestated enactment. We, however, find that the appellant, Reginamary Chellamani, has been in custody for 4 years 1 month and 28 days as on date.

Given the length of incarceration that the appellant has already suffered and as an identically situated accused person, who was travelling along with the appellant, Reginamary Chellamani, on the same flight, has been granted bail by this Court, we are inclined to grant the same

1 "NDPS Act", for short

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relief to the appellant at this stage.

The appeal is accordingly allowed, setting aside the impugned order dated 24.07.2025.

The appellant, Reginamary Chellamani, is directed to be released on bail in connection with the aforestated NDPS case, on stringent terms and conditions to be fixed by the trial Court. In addition, the appellant, Reginamary Chellamani, shall surrender her passport before the trial Court.

The appellant, Reginamary Chellamani, shall cooperate during the course of the trial and shall not take unnecessary adjournments.

The trial Court shall endeavour to conclude the trial at the earliest.

We clarify that we have not made any observations/comments on the merits of the case and any observation made in this order is meant only for the limited

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purpose of grant of bail.

We may also note at this stage that the appellant did not cross examine the witnesses at the initial stage and it was only after she engaged her own counsel and her application for re-examining those witnesses was allowed that she was permitted to do so.

It is incumbent upon the trial Courts dealing with criminal proceedings, faced with such situations, to inform the accused of their right to legal representation and their entitlement to be represented by legal aid counsel in the event they cannot afford a counsel. The trial Courts shall record the offer made to the accused in this regard, the response of the accused to such offer and also the action taken thereupon in their orders, before commencing examination of the witnesses.

This procedure requires to be adopted and put in practice scrupulously.

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This order shall be communicated to the Chief Justices of all the High Courts to enable suitable instructions being issued in this regard to all the concerned trial Courts within the State.

Pending application(s), if any, shall stand disposed of.

Sd/-

....J.
(SANJAY KUMAR)

Sd/-

.....J.
(K. VINOD CHANDRAN)

NEW DELHI;
FEBRUARY 05, 2026.

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SEALED IN MY PRESENCE

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