

**Court No. - 44**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 4003 of 2023

**Petitioner :-** Khalid Azeem @ Ashraf

**Respondent :-** State Of U.P. And 5 Others

**Counsel for Petitioner :-** Vijay Mishra, Abhishek Kumar Mishra, Khan Saulat Hanif, Ravindra Sharma, Shadab Ali, Sr. Advocate

**Counsel for Respondent :-** G.A.

**Hon'ble Dr. Kaushal Jayendra Thaker, J.**

**Hon'ble Syed Qamar Hasan Rizvi, J.**

Heard Sri Daya Shankar Mishra, learned Senior Advocate assisted by Saddab Ali and Abhishek Kumar Mishra (Advocate).

The petitioner before this Court has prayed for the following reliefs:

*i) issue a writ, order or direction in the nature of mandamus or any other appropriate writ, order or direction to the respondents to protect the life and liberty of petitioner and to ensure safety and security of the petitioner and no physical or bodily injury or any other harm is caused to the person of the petitioner;*

*ii) issue a writ, order or direction in the nature of mandamus or any other appropriate writ, order or direction restraining the respondent nos. 2 and 3 from taking the petitioner from District Jail-II Bareilly to Prayagraj or any other jail and carry out interrogation of the petitioner, if any, at District Jail Bareilly U.P. or through video conference.*

*iii) issue a writ, order or direction in the nature of mandamus direct the transit of the petitioner from Bareilly to Prayagraj or any other jail or court under protection of any central police force/parliamentary force, if at all the transit of the petitioner is necessary to Prayagraj;*

*iv) issue a writ, order or direction in the nature of mandamus directing and commanding the respondents allowing five advocates of the petitioner to remain present during the transit/interrogation of the petitioner;*

*v) issue a writ, order or direction in the nature of mandamus directing the respondents to conduct videography if jail transfer of the petitioner and complete list may be prepared of the police personnel at the time of shifting of Jail;*

*vi) issue any other suitable writ, order or direction as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case;*

*vii) Award the costs of the writ petition in favour of the petitioners.*

Learned AGA representing the State, would convey to the authorities the feeling of this Court that under Article 21 of the Constitution, prayer (i) and one request be granted.

As far as prayer (ii) is concerned, the accused-petitioner is in Bareilly Jail. There is a serious apprehension to the petitioner about his life and liberty. Under Article 21, it is the duty of the State to protect the right and liberty of each citizen. Prayer 2 till the bracketed word or through video conferencing could be just and proper.

As far as prayer (iii) is concerned, the transit of the petitioner from Bareilly to Prayagraj or any other jail or court is concerned, they shall ensure proper safety and provide proper security.

Prayer (iv) does not press at this stage, but however, he would have this right to be represented by an Advocate of his choice during the period of his interrogation.

As far as prayer (v) is concerned, this Court leaves it to the authorities to decide as to whether videography from jail would be in fitness of things.

This Court is thankful to all the other counsels for ably assisting this Court.

However, it goes without saying that the interrogation would be as per the jail manual applicable in the State of Uttar Pradesh. It goes without saying that we have not gone into the factual data of this petition as it may turn out to be disputed question of fact and, therefore, we have not dealt with any of the other annexures or the photographs or the grounds urged in the petition. But as the law of the Country demands, every citizen be given a fair trial and when there is an apprehension to the petitioner, in view of the recent developments, we grant this protection and directions are issued.

The petition stands **disposed of** at this stage.

**Order Date :- 21.3.2023**

Anjali