

MHCC020106152018



**IN THE COURT OF SPECIAL JUDGE UNDER MCOC ACT,  
FOR GREATER MUMBAI AT MUMBAI**

**ORDER BELOW EXT.116**

**IN**

**TADA SPL. CASE NO.02/18 @ 03/18 @ 846/20  
(CNR NO.MHCC02-010615-2018)**

**ORDER**

*(Dated 10.04.2023)*

Read application, reply filed by the Superintendent of Mumbai Central Prison. Heard Ld. Counsel Ms. Farhana Shah for applicant / accused no.2- **Ahmed Kamal Shaikh @ Ahmed Lambu**. The grievance of the applicant / accused no.2- Ahmed Kamal Shaikh @ Ahmed Lambu is that, when he is taken back to jail after producing him before the Court while carrying out body check-up by searching guard at the entrance, the searching guard at entrance gate making him nude before other prisoners and staff members which is humiliating and also violation of his right of privacy. When he opposed for the same, the concerned searching guards using filthy language, unparliamentary language against him, misbehaving him and humiliating him in presence of other prisoners and also gave threats to him. Hence, he seeks directions against Superintendent / Jail Authorities not to misbehave, humiliate him and use filthy language against him. He also seeks direction that, his personal search be carried out by using scanner / electronic gadgets.

2. As against this, the contentions of Superintendent of Mumbai Central Prison shows that, no such humiliating treatment given to the accused no.2- Ahmed Kamal Shaikh @ Ahmed Lambu. No filthy or unparliamentary language used against him. As per his contention, only with an intention to pressurise the jail authorities, such false application filed, hence urged for rejecting application.

3. After hearing submissions of the Ld. Counsel of the applicant /

accused no.2- Ahmed Kamal Shaikh @ Ahmed Lambu it reveals that, there is some substance in the contention of applicant / accused no.2. Apart from this, applicant / accused in this case, other UTPs who are brought before this Court also made such complaints against the searching guard. Certainly, taking search by making the UTP nude is violation of his fundamental right of privacy, it is also humiliating. Not only this but using unparliamentary language or filthy language against accused also humiliating to the UTP. Hence, necessary directions are required to be issued to the Superintendent and concerned searching guards. In the result, I pass following order:-

**ORDER**

1. The Superintendent and the searching guards are directed whenever personal search of UTP is required to be conducted, it be conducted by using scanner / electronic gadgets.
2. If scanner / electronic gadgets are not available and personal search of UTP is required to be conducted physically, not to misbehave with UTP, not to humiliate UTP, not to make nude to the UTP, not to use filthy language or unparliamentary language against the UTPs including present applicant / accused no.2- Ahmed Kamal Shaikh @ Ahmed Lambu.
3. The personal search be carried out strictly by following the rules without causing humiliation to the UTP / applicant / accused no.2- Ahmed Kamal Shaikh @ Ahmed Lambu.

**Dated: 10.04.2023.**

**(B.D. SHELKE)  
ADDL. SESSIONS JUDGE  
& SPECIAL JUDGE UNDER MCOC ACT  
GREATER MUMBAI.**



Dictated on: 10.04.2023.  
Typed on : 10.04.2023.  
Checked on : 10.04.2023.  
Signed on : 10.04.2023.

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|---|-------------|-----------------------|
| “ CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”. |             |                       |
| UPLOAD DATE   | UPLOAD TIME | NAME OF STENOGRAPHER  |
| 10.04.2023  | 05.30 p.m.  | N.S. Bakre            |
| Name of the Judge (With Court Room No. 55)                                      |             | HHJ Shri. B.D. Shelke |
| Date of pronouncement of JUDGMENT/ORDER   |             | 10.04.2023            |
| JUDGMENT/ORDER signed by P.O. on  |             | 10.04.2023            |
| JUDGMENT/ORDER uploaded on  |             | 10.04.2023            |