

Court No. - 44

Case :- CRIMINAL MISC. WRIT PETITION No. - 7925 of 2021

Petitioner :- Afshan Ansari

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Mohd. Farooq, Ajay Srivastava, Sr.

Advocate, Upendra Upadhyay

Counsel for Respondent :- G.A.

Hon'ble Dr. Kaushal Jayendra Thaker, J.

Hon'ble Shiv Shanker Prasad, J.

Heard Sri Upendra Upadhyay, learned counsel for the petitioner and learned AGA for the State.

The petitioner, who is the wife of the under trial prisoner has approached this Court with the following prayer:-

"It is therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to allow this petition and direct the respondents to provide adequate safeguards and protection to the petitioner's husband while he is lodged in District Jail Banda or any other jail and while he is produced before the Special Judge (MP/MLA Court), Allahabad or any other Court in Uttar Pradesh, pending trial in all cases in U.P. during the pendency of the present writ before this Hon'ble Court otherwise the petitioners will suffer irreparable loss and injury"

The state has filed reply by means of counter affidavit sworn by Shyam Bahadur Singh, Deputy Superintendent of Police/Circle Officer, Mohammadabad, District-Ghazipur, wherein it has been stated that the jail authorities and the Police are taking every precaution for security of the husband of the petitioner while keeping him in jail or bringing him outside the jail to produce him before the Trial Court. When the husband of the petitioner is taken out from jail, one Inspector, two Sub-Inspector, 2 Head Constables, 8 Constables and 2 drivers are used in order to provide security by Superintendent of Police, Banda and on the report of the Superintendent of Police, Ghazipur, Additional Superintendent of Police, Ghazipur has been appointed as Nodal Officer for providing full proof security while producing the husband of the petitioner in Court and in way whenever he is produced in District Ghazipur. It is also stated that the maximum security to the husband of the petitioner It is further stated that the husband of the petitioner has been provided maximum security in District Jail,

Banda and while taking him from Jail to the Court. The security has been provided in accordance with the norms and standard provided in Chapter-XXXV of the Jail Manual. Total 70 CCTV cameras have been affixed in the Jail of which Inspector General of Jail and the Inspector General of Police, Head Quarter are monitoring the security.

We accept the averments made in the counter affidavit on behalf of the State and we also request the Director General of Police, U.P., respondent no. 3 to ensure the safety of the husband of the petitioner as he is apprehending threat to his life in the jail, where he is incarcerated. Full security shall be given to the husband of the petitioner while shifting him from one jail to another and while producing him before any Court from jail and on the way or any other place. Media person would not be permitted to interview him. He would be accompanied by the police personnel during his ingress and egress from jail. This order is being passed seeing the recent episode which occurred in the State of Uttar Pradesh, wherein in the garb of media persons some criminals had killed two under trial prisoners, who were in the custody of the Police Personnel, which matters are pending before the Apex Court. So as to ensure the safety of the accused this restriction is ordered.

Though we are not against media taking interview of the accused persons but looking to the recent episode this restriction would be in the interest of the under trial prisoner for their safety and security.

With these observations and the averments made in the counter affidavit that full and proper proper security is being given to the husband of the petitioner, this petition stands allowed and the prayers are granted.

Order Date :- 3.5.2023

SK Srivastava