

ITEM NO.1

COURT NO.2

SECTION II-C

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (CrI.) No(s). 890/2022

(Arising out of impugned final judgment and order dated 29-09-2021 in WP No. 53944/2016 passed by the High Court Of Karnataka At Bengaluru)

B.A. UMESH

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.6716/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.6720/2022-EXEMPTION FROM FILING O.T. and IA No.6717/2022-EXEMPTION FROM CUSTODY CERTIFICATE )

Date : 26-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Dr. Yug Mohit Chaudhry, Adv.  
Mr. Siddhartha Sharma, Adv.  
Mr. Prabu Ramasubramaniam, Adv.  
Ms. Payoshi Roy, Adv.  
Mr. Raghunatha Sethupathy B., Adv.  
Ms. Priya R, Advocate  
Mr. K. Paari Vendhan, AOR

For Respondent(s) Mr. K.M. Nataraj, ASG  
Ms. Sonia Mathur, Sr.Adv.  
Ms. Khushboo Aggarwal, Adv.  
Ms. Prerna Dhall, Adv.  
Ms. Simarjeet Singh Saluja, Adv.  
Mr.Sughosh Subramanyam, Adv.  
Mr. Shailesh Madiyal, Adv.  
Mr. Sanjay Kumar Tyagi, Adv.  
Mr. Arvind Kumar Sharma, AOR

Mr. Nikhil Goel, AAG  
Mr. Shubhranshu Padhi, AOR  
Mr. Ashish Yadav, Adv.  
Mr. Rakshit Jain, Adv.  
Mr. Vishal Banshal, Adv.

Mr. Aditya K. Roy, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The Principal District and Sessions Judge, Belagavi has placed on record his Report dated 21.04.2022. Copies of the Report have been furnished to the parties.

Dr. Yug Mohit Chaudhry, learned advocate submits that since the last date of hearing, the counsel for the petitioner have had interactions with the petitioner. Dr. Chaudhry fairly accepts that whatever is stated in the Report corresponds to the instructions received from the petitioner and that the Report depicts true state of affairs in the concerned Barrack and the Cell.

He, however submits that the petitioner was kept in what is commonly called "Andheri Block" in Belagavi Prison from 2006 to October, 2016 i.e. till stay was granted by the High Court to the execution of death sentence. It is submitted that there are 12 Cells in that Block and only one prisoner is kept in a Cell; the petitioner was not allowed to get out of his Cell at any time during the entire length of stay except for 2 Yoga sessions which were conducted and one function where inmates were allowed to offer prayers to Lord Ayyappa. In his submission that was the worst period of his stay inside the prison and the imprisonment in the Cell in "Andheri Block" can certainly be said to be "Solitary

confinement" as described in *Sunil Batra Etc. vs Delhi Administration and Ors. Etc.*<sup>1</sup>

Dr. Chaudhry further submits that after October, 2016 till January, 2019 the petitioner was lodged in same "Andheri Block" but was allowed to come out of the Cell thrice a day and after January, 2019 he was shifted to the present Barrack with respect to which the Report has been made.

We have also had the benefit of interaction with the concerned Jail Superintendent who is present in Court. He has accepted that the petitioner was kept in "Andheri Block" till January, 2019. He has also accepted that only one inmate is kept in a cell in said "Andheri Block". It is however, stated that all the inmates are allowed to come out of their cells thrice a day for the duration of 2-3 hours each. It is submitted that they are taken out at about 6.30 A.M. in the morning and are re-lodged after the breakfast, again to be taken out for the purposes of lunch and supper and are finally re-lodged around 5.00 P.M.. In sum and substance, according to him, the inmates are allowed to come out of their Cells for about 6 hours everyday.

It is further stated that the petitioner was shifted to the present Barrack in January, 2019 by his predecessor and since then the petitioner has been confined in the present

Barrack in circumstances described in the Report.

Thereafter, submissions were advanced by Mr. Nikhil Goel, learned AAG for the State and Ms. Sonia Mathur, learned Senior Advocate for Union of India. After conclusion of their submissions, Dr. Chaudhry made his submissions in rejoinder.

Arguments concluded. Order reserved.

The parties are at liberty to file their written submissions within three days.

(INDU MARWAH)  
COURT MASTER (SH)

(VIRENDER SINGH)  
BRANCH OFFICER