

ITEM NO.54

COURT NO.13

SECTION II-A

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Miscellaneous Application No. 183/2026 in SLP(Crl) No. 12690/2025

[Arising out of impugned final judgment and order dated 02-12-2025 in SLP(Crl) No. No. 12690/2025 passed by the Supreme Court of India]

SHASHIKUMAR ALIAS SHAHI CHIKNA VIVEKANAND JUMRANI Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

FOR ADMISSION

Date : 03-02-2026 This petition was called for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) : Mr. Aaditya Aniruddha Pande, AOR

Ms. Sana Raees Khan, Adv.
Mr. Pranay Chitale, AOR
Mr. Aditya Dutta, Adv.

For Respondent(s) :

O R D E R

The present matter has been listed before the Court in terms of order passed by this Court on 02.12.2025 for the limited purpose of considering the personal report of Mr. Suhas Warke, Additional Director General of Police and Inspector General, Prisons and Correctional Services, State of Maharashtra dated 30.01.2026.

2. The reason for such a report to be called is recorded in the order of this Court dated 02.12.2025. Primarily, the report was required due to the fact that in the trial, out of 85 dates fixed, on 55 dates, petitioner was not even produced before the Court.

3. In the affidavit filed, there is a chart which indicates, the reason for such non production which primarily points out to lack of Police escort being made available for such production. It is further indicated that despite several requests by the Jail Authority, to the Court concerned, for allowing the petitioner to appear through video conferencing, as no orders were passed, the same was not done.

4. On a query of the Court as to whether on the dates when the petitioner was not produced before the Court, any other prisoner was produced before the Court, the answer is that the Courts individually issue production warrant addressed to the Superintendent of the Jail and the prisoners are individually sent to different Courts with different/individual escorts for a particular court. Though, prima facie, the Court is unable to accept the fact that individual escorts should be given Court-wise for production of undertrials as normally, depending on the total number of prisoners to be produced before the court, they are taken in an appropriate vehicle with a common escort and thereafter from the Court Jail custody they are individually taken for being produced before the Court concerned.

5. This is one aspect of the matter. The Other more worrying aspect is that ultimately, it is the accused/prisoner who loses out on his valuable Constitutional right to a fair trial and liberty in as much as, the vital right to appear before the Court so as to address the Court with regard to any complaint(s), he might have against his treatment or any other issue in the prison which he is facing, is that the Court can take cognizance of the same and pass appropriate orders. Thus, the prisoner/person incarcerated, has to

bear the brunt of the adverse consequences of a situation where the Authorities pass the buck to each other and do not take responsibility for performing their constitutional/ statutory responsibility.

6. Having regard to the aforesaid, issue notice to Shri Ashutosh Dumbare, Commissioner of Police, Thane; Shri P.J. Jagtap, Superintendent of Prison, Kalyan Jail and Shri C.R. Devkate, Additional Senior Jailor (Judicial) as to why the Court may not initiate proceedings against them for such dereliction of duty/casual approach in such an important matter which relates to the life and liberty of an under trial prisoner.

7. We are conscious of the fact that the Authorities casually shift the blame to each other, which we will not permit or shut our eyes to. Thus, we feel that in this case, responsibility has to be fixed and a message sent to all concerned Authorities to act as per the dictate of the Constitutional rights of the person who is incarcerated in the prison under their control as also the obligation of the police to ensure that adequate number of personnel are deployed for such production. We also take note of the contention of learned counsel for the State that the Jail Authorities send requisition to the Police Court wise, depending on the number of prisoners to be produced. We find this to be totally unacceptable and only a lame excuse.

8. Emerging situations and special circumstances require special action. If at all it is correct that there is constraint of resources, then prisoners can be clubbed together and common escort can be given. There is no rule or law not permitting the same. It is for the Authorities to take such positive step and not for the

rule to provide such obvious inherent power. Here we find there is total casualness of both the Police Authorities as well as the Jail Authorities. We say no more for the present and the Court will take a final view, when the Officers are physically present before this Court along with their show cause and explanation, in terms of the discussions made herein above.

9. After the order was dictated, learned counsel for the State tried to point out the action which has been taken in this regard by the Authorities. We find the same to be totally insufficient and inadequate and too late in the day.

10. On an inquiry with regard to the name of the persons, the Court has been informed that below the Superintendent, there is an Additional Jailor (Judicial) who is the Seniormost Jailor and there is no other post above him. Accordingly, Shri Ashutosh Dumbare, Commissioner of Police, Thane; Shri P.J. Jagtap, Superintendent of Prison, Kalyan Jail and Shri C.R. Devkate, Additional Senior Jailor (Judicial) shall remain physically present with their show cause on the date fixed.

11. List on 24.02.2026 on the top of the list.

(SACHIN KUMAR SRIVASTAVA)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR

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