

Asir Koli Pitol

Vs

State of Tamil Nadu

Writ Petition No. 2666 of 1980

(P.N. Bhagwati, V.B. Eradi JJ)

12.10.1981

ORDER

1. Mr Ganesh on behalf of the petitioner has applied for certain directions in this matter in order to be able to file his submissions on the various issues which have been formulated for decision by this Court by its Order dated September 14, 1981.
2. The first item on which Mr Ganesh seeks direction from us is one on which we do not think it necessary to direct the respondent to give us any information, but we think that it would be appropriate if the Secretary of the District Legal Aid Committee of Tirunelveli is directed to visit the jail at Palayamkotti and meet the petitioner to obtain from him the necessary information in regard to the various matters set out in Item (1) and transmit such information to this Court within three weeks from today. The respondent will provide the necessary facilities to the Secretary to visit the jail and to interview the petitioner for this purpose.
3. The other item on which we propose to give directions is Item (4) which relates to the report of Dr. Natrajan, Prison Medical Officer and Civil Assistant Surgeon which has been relied upon in the affidavit of the Jail Superintendent. Since this report has been relied upon in the affidavit it is but just and proper that inspection of it should be given to Mr Ganesh on behalf of the petitioner and the learned Advocate General appearing on behalf of the respondent fairly states that he will give inspection of this report to Mr Ganesh and it will be open to Mr Ganesh to make copy of such portion of the report as he thinks proper.
4. We then come to Item (5). In regard to this item it is necessary to give directions, because it has been stated in the affidavit of the Jail Superintendent that the petitioner and Erulappan refused to take part in the identification parade and therefore, if there are any documents supporting this allegation, the respondent will disclose the same to Mr Ganesh on behalf of the petitioner within three weeks from today.
5. Then Mr Ganesh seeks copies of the official publication of the Prisons Act, 1894 and the Prisoners Act, 1900 as amended in their application to the State of Tamil Nadu. The learned Advocate General appearing on behalf of the respondent has no objection to give copies of these two statutes as also of the Rules made under these two statutes as amended up to date and this may be done within three weeks from today.
6. So far as the Jail Manual of the State of Tamil Nadu is concerned, the learned Advocate General states that a new edition of it is going to be printed and as soon as it is ready, it will be immediately supplied to Mr Ganesh, but in any event, efforts will be made to supply either the new edition or the

old edition duly amended before the end of December, 1981, Mr Ganesh has also asked in Item (8)(b) for a copy of the report made by the Commission of Enquiry headed by Mr Justice M.N. Ismail. The learned Advocate General states that a copy of this report will be supplied to Mr Ganesh on behalf of the petitioner within three weeks.

7. We have by our Order dated September 14, 1981 granted time to Mr Ganesh to file his written submissions within eight weeks from the date of that Order. This time expires in the middle of November, 1981. But since copies of the Prisons Act, 1894 and the Prisoners Act, 1900 as also of the Rules made under these two statutes and the Prison Manual may not be available to Mr Ganesh until the end of December, 1981, we extend the time granted for filing his written submissions up to January 16, 1982. The time for the respondent to file its written submissions will also consequently stand extended and the respondent will file its written submissions within four weeks after the date of filing of submissions of Mr Ganesh.

8. The rest of the Order made by us on September 14, 1981 will stand.

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