

SUPREME COURT OF INDIA

R.D. Upadhyay

Vs.

State of A.P.

(K Singh and F Uddin JJ.)

19.03.1996

ORDER

1. Affidavits have not been filed by the States of Jammu & Kashmir, Maharashtra, Rajasthan, Manipur and Nagaland. Detailed affidavit has also not been filed by the State of West Bengal. The Union Territory of Lakshadweep also is in default in filing the affidavit. Mr. Mahabir Singh, learned Counsel for the State of Haryana submits that an affidavit indicating the action taken after the last affidavit was filed in this Court, shall be filed within one week.
2. The affidavit filed on behalf of the State of Kamataka is incomplete. A proper affidavit shall be filed, keeping in view the orders of this Court dated 13th October, 1999 and 7th December, 1999.
3. The States and the Union Territories which have not filed the affidavits so far are granted final opportunity to do the needful within six weeks.
4. Mr. Altaf Ahmad, learned Additional Solicitor General, who represents the National Capital Territory of Delhi submits that an additional affidavit giving full details shall be filed by him before the next date. We grant him the permission to do the needful.
5. List the Writ Petition on 3rd March, 2000.

Matter regarding Shri Ajoy Ghosh

6. The Chief Judicial Magistrate, Howrah has sent the Report in connection with incarceration of Ajoy Ghosh from 1962 onwards. Copy of that report (10 pages) shall be made available to the learned Attorney General, learned Amicus and the learned Counsel appearing for the State of West Bengal. Learned Counsel for the parties are permitted to examine the other record sent by the Chief Judicial Magistrate from (pages 11 to 355) also.
7. Till we take up the matter of Ajoy Ghosh for further consideration but keeping in view the medical reports and all other attendant circumstances, at this stage, it appears to us appropriate to direct that Ajoy Ghosh, who is at present lodged at Antaragram Psychiatric center shall be shifted to an Old Age Home/Missionaries of Charity (Brothers), Howrah by the end of this month. The State

of West Bengal shall bear all the expenses for his stay in such Old Age Home or Missionary. Mr. Ajoy Ghosh shall also be provided with an attendant, if so advised, at the cost of the State of West Bengal. Mr. Ajoy Ghosh shall be kept under the supervision of a Psychiatrist at the Old Age Home/Missionary of Charity. The expenses for psychiatric treatment, including the fees of the Psychiatrist, if any, shall be borne by the State of West Bengal. The expenses for personal upkeep (including clothing etc.) or Ajoy Ghosh shall be borne by the State of West Bengal and spent through the Superintendent of the Old Age Home/Missionary of Charity for the benefit of Ajoy Ghosh.

8. This, of course, is only an interim arrangement being made till the matter comes up for final disposal.

9. The matter regarding Ajoy Ghosh shall be listed on 3rd February, 2000 for reporting about the action taken in this matter by the State of West Bengal.

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10. Leave granted.

11. The appeal is disposed of in terms of the signed order.

12. We have perused the Office Report dated 19th January, 2000 and find that the High Court of Judicature at Allahabad, Lucknow Bench and the High Court of Judicature at Madras have not forwarded to this Court, the information sought for by this Court vide order dated 13th August, 1999 regarding the year-wise break up of pending appeals in which life imprisonment or death sentence have been imposed by the lower courts and the accused are in jail as also about the cases involving conviction and sentence under the NDPS Act. An urgent reminder shall go to the Registrar General of the High Court of Judicature at Madras and at Allahabad. Copy of the reminder shall also go to the Registrar, High Court of Judicature, Lucknow Bench, with a direction to send the requisite information within four weeks from the date of the receipt of the copy of the reminder.

13. The record of the appeal shall be retained, keeping in view the monitoring, that is being done by this Court pursuant to the order dated 25th January and the subsequent orders and be listed alongwith Writ Petitioner (C) No. 559/94 on 3rd March, 2000.