

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

SUO MOTU PUBLIC INTEREST LITIGATION NO. 1 OF 2021

High Court on its own motion

... Petitioner

V/s.

State of Maharashtra and Ors.

... Respondents

High Court on its own motion

Mr. A.A. Kumbhakoni, Advocate General a/w. Mr. Deepak Thakare,
Govt. Pleader for the Respondent - State

***CORAM : NITIN JAMDAR &
C.V. BHADANG, JJ.***

***DATE : 16 APRIL 2021
(Vacation Court)***

P.C. :-

This Suo Motu Public Interest Litigation is initiated Re:
the rise in COVID-19 Virus cases in March-April 2021 in the
prisons in the State of Maharashtra.

2. Newspaper reports, more particularly, Hindustan Times
dated 16 April 2021 (Annexure 1) and Free Press Journal dated 16
April 2021 (Annexure 2), have highlighted an alarming rise in the

COVID-19 cases in the last few days in the prisons in the State of Maharashtra. It is reported that almost two hundred prisoners amongst 47 prisons in the State have tested positive as of 14 April 2021. This number has gone up from 42 to 200 within nearly a month. It is stated that eighty-six staff members working in the prisons have also tested positive.

3. The learned Advocate General informs us that the Court had taken up a similar cause in July 2020 where the measures taken by the State Government were noted and certain directions were issued. The learned Advocate General states that the current situation will have to be dealt with similarly. The reports however show a sudden rise of the COVID-19 cases in the State prisons, indicating a need for the Court's intervention to revisit the measures. This is a fit case where the Court should take note of this situation and take up the cause in the public interest.

4. The Registry is directed to register the Suo Motu (Criminal) Public Interest Litigation under Rule 4 of the Bombay High Court Public Interest Litigation Rules, 2010.

5. The Respondents in this Petition, at present, would be :
(i) State of Maharashtra through the Secretary (Home Department),
(ii) State of Maharashtra through the Secretary (Revenue Department), (iii) Director-General of Police, State of Maharashtra

and (iv) Director-General of Prisons, State of Maharashtra. The Revenue Department needs to be joined because of the district prisons. Learned Government Pleader waives notice for the Respondents.

6. Place the Petition on board on 20 April 2021 before the Court taking up Public Interest Litigations.

7. On the next date the Respondents will place following information on record. The status of the COVID-19 cases, both the staff members and the inmates in the prisons in the State of Maharashtra; the measures being taken and proposed to be taken to control the spread of the Virus in the prisons; and measures to decongest the jails in the State of Maharashtra.

C.V. BHADANG, J.

NITIN JAMDAR, J.