

IMTIYAZ RAMZAN KHAN

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v.

STATE OF MAHARASHTRA

(SLP (CrI.) No. 6740 of 2018)

AUGUST 14, 2018

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[ABHAY MANOHAR SAPRE AND UDAY UMESH LALIT, JJ.]

Video conferencing: Arrangement of conducting video conferencing between the counsel and the accused made mandatory by the Supreme Court Legal Services Committee – Such a direction on part of Supreme Court Legal Services Committee is commendable and praiseworthy – It is essential for the counsels/Advocates appearing in matters entrusted by the Legal Services Committee to have the advantage of having a dialogue with either the accused or those having knowledge of details about the case – Attempt to facilitate dialogue between counsel and his client furthers the cause of justice and makes legal aid meaningful – Therefore, all Legal Services Authorities/Committees in every State to extend such facility in every criminal case wherever the accused is lodged in jail – Administration of criminal justice.

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CRIMINAL APPELLATE JURISDICTION : Special Leave Petition (CrI.) No. 6740 of 2018.

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From the Judgment and Order dated 30.08.2013 of the High Court of Judicature at Bombay in Criminal Appeal No. 986 of 2005

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SLP(CrI.) No. 6747 of 2018.

Shikhil Suri & Shiv Kumar Suri, Advs. for the Petitioners.

The Judgment of the Court was delivered by

UDAY UMESH LALIT, J. 1. Though these two special leave petitions are completely unconnected but they present one common feature and as such we propose to deal with these two special leave petitions by this common Judgment.

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2. Special Leave Petition (CrI.) No. 6740 (D.No.20446 of 2018) of 2018 challenges the decision dated 30.08.2013 of the High Court of

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A Judicature at Bombay dismissing Criminal Appeal No.986 of 2005 preferred by the petitioner and thereby affirming his conviction for the offence punishable under Section 302 IPC and sentence of imprisonment for life. The prosecution principally relied on the testimony of two eye witnesses, namely, PWs 3 and 5 whose evidence was found by the High Court to be worthy of reliance and completely unblemished. The decision rendered by the High Court, in our view, does not call for interference and as such we dismiss this special leave petition.

3. In Special Leave Petition (Crl.) No. 6747 (Diary No.21026 of 2018) of 2018 the decision dated 17.02.2014 passed by the High Court of Chhattisgarh at Bilaspur in Criminal Appeal No.850 of 2009 is under challenge. The High Court by its judgment and order affirmed the conviction of the petitioner under Section 302 IPC and his sentence of imprisonment for life. Though the defence of sudden fight was taken on behalf of the petitioner, the High Court on detailed analysis rejected said theory and found the petitioner guilty of the offence in question. Having gone through the matter, we see no reason to take a different view and as such we dismiss this special leave petition.

4. We now come to the common feature between these two matters. Mr. Shikhil Suri, learned Advocate appeared for the accused in both the matters. On previous dates letters were circulated by the learned Advocate appearing for the petitioners that the matters be adjourned so as to enable the counsel to make arrangements for conducting video conferencing with the concerned accused. The letter further stated that this exercise was made mandatory as per the directions of the Supreme Court Legal Services Committee. This Court readily agreed and adjourned the matters. On the adjourned date, we enquired from Mr. Shikhil Suri, learned Advocate whether he could successfully get in touch with the concerned accused. According to the learned Advocate he could not get in touch with the accused in the first matter but could speak with his sister whereas in the second matter he could have video conference with the accused.

5. In our view such a direction on part of the Supreme Court Legal Services Committee is quite commendable and praiseworthy. Very often we see that the learned Advocates who appear in matters entrusted by the Supreme Court Legal Services Committee, do not have the advantage of having had a dialogue with either the accused or those who are in the know of the details about the case. This at times seriously

hampers the efforts on part of the learned Advocates. All such attempts A
to facilitate dialogue between the counsel and his client would further
the cause of justice and make legal aid meaningful. We, therefore, direct
all Legal Services Authorities/Committees in every State to extend similar
such facility in every criminal case wherever the accused is lodged in
jail. They shall extend the facility of video conferencing between the B
counsel on one hand and the accused or anybody in the know of the
matter on the other, so that the cause of justice is well served.

Devika Gujral

Petitions dismissed.