

03.10.2024  
2-9  
sdas

**ASSIGNED MATTER**

W.P.A.(P) 27 of 2021  
+  
CAN 1 of 2023  
+  
CAN 2 of 2024  
+  
CAN 3 of 2024  
in  
CRM (NDPS) 48 of 2023  
in  
CRM (NDPS) 52 of 2023  
with  
CRR 798 of 2023  
with  
CRR 799 of 2023  
with  
W.P.A. 26371 of 2017  
CAN 3 of 2024  
CAN 4 of 2024  
with  
W.P.A. 4510 of 1997  
with  
W.P.A. 5440 of 2020  
CAN 1 of 2020 (Old CAN 3147 of 2020)  
with  
W.P.A. 7252 of 2018  
with  
W.P.A. 8573 of 2018

***[In Re : The Court in its own motion In Re : UTP  
Dipak Joshi, Lodged in Dum Dum Central  
Correctional Home]***

Mr. Rudradipta Nandy, Id. APP  
..... for the State

Mr. Saikat Banerjee  
Ms. Juin Dutta Chakraborty  
.... for High Court Administration

Mr. Jayanta Narayan Chatterjee  
Ms. Jayashree Patra  
..... SLISA in WPA(P) 27/2021

Ms. Jhuma Sen  
Mr. Dinesh Vishwakarma  
Ms. Swastika Chatterjee

..... for the intervener in CAN 3  
of 2024 and CAN 4 of 2024 in  
WPA 26371/2017

Mr. Kallol Basu  
Mr. Smarajit Basu  
Ms. Varsha Sharma

..... for the intervenor in WPA (P)  
27/2021.

Mr. Tapas Kr. Bhanja  
Mr. Subas Ray

..... Amicus Curiae in  
WPA 4510/1997 &

Mr. Kaushik Gupta

.... for SLSA in  
WPA 26371/2021

Mr. Kallol Mondal  
Mr. Krishan Roy

..... for SLSA in WPA(P) 8573/2018

Mr. Raghunath Chakraborty  
Mr. Mehboob Ahmed  
Ms. Nandini Chatterjee

..... for the intervenor

Mr. Moyukh Mukherjee

..... for the respondent in CRR  
798/23 and CRR 799/23

Mr. Pradip Kumar Roy  
Mr. Joydeep Roy

..... for PSCWB

**In Re: WPA (P) 27 of 2021**

**Mentally ill prisoners:-**

1. Compliance report of West Bengal State Legal Services Authority is placed on record. Copy of the report be circulated amongst the appearing

parties. They may file their responses by the adjourned date.

**Terminally ill prisoners:-**

2. State shall submit report with regard to health condition of Ispinder Molla on the adjourned date.

3. Report is filed on behalf of the State Legal Services Authority. From the report it appears Mrityunjoy Paul, an undertrial who is a HIV positive patient has been enlarged on bail.

4. Report is submitted on behalf of the High Court Legal Services Committee. From the report it appears lawyers have been appointed for convicts viz., Uttam Kayal, Abdul Wahab Sarder, and Md. Ehsan to file bail applications in pending appeals. We hope and trust that the bail applications shall be filed before the adjourned date. We are also informed that Chittaranjan Halder has already been enlarged on bail.

5. Report also states that lawyer has been engaged on behalf of Laxmikanta Karmakar to prepare special leave petition against the judgment and order passed by this Court. We request the High Court Legal Services Committee to take steps so that the special leave petition is prepared and submitted before the Hon'ble Supreme Court by the adjourned date. Further report be filed by the

High Court Legal Services Committee on the adjourned date.

**Compensation for unnatural death:**

6. State seeks further time to submit report in respect of 905 unnatural deaths in the correctional homes between 2016-22. Report be filed on the adjourned date.

**Release of undertrials under Section 479 BNSS:**

7. Registrar Administration (L & OM) has submitted report. Report shows 240 inmates had completed one third of maximum period of imprisonment and 64 inmates have completed half of the maximum period of imprisonment in the correctional homes as first time offenders and they are entitled to prefer bail applications before the jurisdictional courts as per Section 479 BNSS. Report be forwarded to the State Legal Services Authority and the Member Secretary of the State Legal Services Authority shall co-ordinate with the Secretaries of the District Legal Services Authorities concerned as well as correctional homes on behalf of the said inmates to ensure that the bail applications under Section 479 BNSS be filed before the jurisdictional courts. Jurisdictional courts shall consider the said bail applications in light of the directions of the Hon'ble Apex Court in

order dated 23.08.2024 in *Re – Inhuman Conditions in 1382 Prisons*<sup>1</sup>.

8. Mr. Bhanja submits Ghatal Sub-correctional Home is inundated. Intimates had to be transferred to other correctional homes.

9. District Magistrate shall take immediate measures to remove water logging at the Sub-correctional Home and after the correctional home is made habitable inmates may be re-transferred. District Magistrate shall submit report on the adjourned date.

10. Let the matters appear on 21<sup>st</sup> November, 2024.

**(Gaurang Kanth, J.)      (Joymalya Bagchi, J.)**

---

<sup>1</sup> Writ Petition (Civil) No. 406/2023