

(1980) 12 SC CK 0025

In the Supreme Court Of India

Case No : Writ Petition No. 5352 Of 1980

Anil Yadav and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 01-12-1980

Acts Referred:

Citation : (1981) 1 SCC 622 : (1981) SCC(Cri) 224

Hon'ble Judges : Y. V. Chandrachud, C.J.; O. Chinnappa Reddy, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. The report of the doctor which we had called for by our Order dated 10/10/1980 shows that eight out of the ten petitioners before us lost their eyesight totally or partially. The report submitted by Dr. K.S. Roy in each individual case shows that-

(I) most of the petitioners are suffering from collapse of one or both of the eyeballs ;

(II) the sight of one or both of their eyes is lost ;

(III) there is perforation of their eyeballs by burn with a corrosive substance; and that

(IV) their eyes have been punctured by some sharp and pointed weapon.

The remaining two petitioners have been released and therefore no report could be sent regarding them.

2. The report of the doctor will shock the conscience of mankind. There has been the most flagrant violation of the safeguards provided by Articles 19 and 21 of the Constitution. There is nothing that the court can do to restore the physical damage, which seems irreparable. But the offenders must at all events be brought to book at least in the hope that such brutal atrocities will not happen

again.

3. With that end in view, we direct that the Superintendent of the Bhagalpur central Jail will file an affidavit in this Court within two weeks from today stating :-

(A) the names of convicts and under trial prisoners in the jail whose eyes have been damaged or impaired before or after their lodge- ment in jail;

(B) the names of policemen, police officers and the members of the jail staff who were in charge of those prisoners at the relevant time;

(C) the names of doctors who were in charge of the jail dispensary or hospital at the relevant time ; and

(D) the names of doctors who have examined, from time to time, the petitioners and other prisoners whose eyes have been damaged or impaired after their lodgement in jail.

4. We direct that the Registrar of the Supreme Court and one other officer to visit the Bhagalpur central Jail during this week and obtain first- hand the version of the petitioners and other prisoners similarly situated as regards the impairment or blinding of their eyes. The two officers of the court shall be granted every facility to meet the prisoners, to talk to them beyond the hearing of any jail officer or police officer and to record the statements of the prisoners. We direct the Jail Superintendent to ensure due and full compliance with these directions.

5. Issue notice to the State of Bihar asking it to show cause on the petition as also as to why the petitioners should not be released on their personal recognizance.