

**IN THE COURT OF THE LVI ADDL.CITY CIVIL &
SESSIONS JUDGE (CCH-57) AT BENGALURU**

Dated this the 29th day of October, 2025.

: PRESENT :

Sri. I. P. Naik

LXIII ADDL.CITY CIVIL & SESSIONS
JUDGE, BENGALURU CITY.

C/c. LVI ADDL.CITY CIVIL & SESSIONS
JUDGE, BENGALURU CITY.

S.C.No.1319/2024

Complainant	State of Karnataka by Station House Officer, Kamakshipalya, Police Station, Bengaluru City.
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-V/s-

Accused	Smt Pavitra Gowda and Anr
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ORDERS ON APPLICATION AND ORAL SUBMISSION

The learned counsel for accused No.2, 6, 7, 11 & 12 submitted that the Jail Authorities have not provided the basic amenities as per the orders of this Court. Accused No.6 and 7 submitted that till today Jail Authority kept

them in quarantine cell, not shifted to normal barrack and filed application under Sec. 91 of Cr.P.C. summoning of records regarding how many prisoners kept in quarantine and how many prisoners shifted to regular barrack from January 2024 to till today.

2. Thereafter called the explanation from the Jail Authorities and the learned Chief Superintendent of Central Jail, Parappana Agrahara was present before this Court as per the direction and submitted his explanation within two days from the date of receipt of intimation.

3. Meanwhile, Advocate for accused No.2, 11 and 12 filed an application under Sec. 310 of Cr.P.C. seeking for local inspection wherein accused are kept in judicial custody. Accordingly, this Court has allowed the said application on 10.10.2025 and directed the learned Member Secretary of DLSA, Bengalur Urban, to visit the spot, verify the cell

regarding implementation of order passed by this Court. Accordingly, the learned Member Secretary visited the spot and submitted his report on 18.10.2025.

4. Heard the learned counsel for accused No.2, 6, 7 and learned SPP.

5. The following points that would arise for my consideration are :

1. Whether the explanation submitted by the Jail Authority is acceptable one ?

2. What order ?

6. On considering oral submission of accused No.2, 6 and 7 and learned SPP and perusing the orders of this Court as well as explanation submitted by the Chief Superintendent of Jail Authority and report submitted by

the Member Secretary, DLSA, Bengaluru, my answer to above points is as under:-

Point No.1: Partly in the Affirmative,

Point No.2: As per final order

----- for the following

REASONS

POINT NO.1 :-

7. The learned counsel for accused No.2 repeatedly and vehemently submitted that as per the orders of this Court and as per the Jail Manual, they have not provided basic amenities, it is nothing but violation of Court orders. They are providing better facilities to other accused, not accused No.2. Further, it is serious grievance of accused No.2, 6 and 7 is that even after lapse of 14 days, Jail Authorities have not shifted these accused to normal barrack. Hence prays for initiate contempt proceedings against the Jail Authorities. The learned counsel for accused No.2 urged that the Jail authorities are intentionally harassing these

accused. Recently Jail Authority misused their powers and allowed one convicted prisoner to celebrate his birthday. In support of this contention he has produced photos. Further, urged that Jail Authorities have not taken any action against the concerned persons and staff. They have registered the case in NCR, but unfortunately Jail Authorities have registered the case against accused No.2, 11 & 12 before Parappana Agrahara Police Station regarding misuse of rules. The learned counsel for accused No.6 and 7 submitted that now a days Bengalureu climate is very cold, jail authority is not providing monkey caps protection from cool weather.

8. As against this, the learned SPP submitted that the accused No.2 is not convicted person. This Court directed to the Jail Authorities to provide minimum basic amenities as per The Karnataka Prison Correctional Services Manual-2021. As per the said manual, the Jail Authorities provided

basic amenities to accused No.2, there is no violation of orders of this Court. The learned SPP submitted that seven officials are suspended. The State has taken serious steps against concerned staff and persons who are celebrated birthday of one convicted prisoner.

9. During the course of arguments, both learned counsel for accused No.2 and learned SPP have relied on The Karnataka Prisons and Correctional Services Manual-2021 and Karnataka Prisons Rules, 1974.

1) The Karnataka Prisons and Correctional Services Manual- 2021.

Chapter-11 – Classification and Separation of Prisoners, Rule 106.

106. Statutory Provision :

Rule.106 of the Karnataka Prisons Act, 1963 the following separation of prisoners is required viz;

- i. In a prison containing women as well as men prisoners, the woman shall be imprisoned in a

separate building or separate part of the same building, in such manner has to prevent their seeing or conversing or holding any intercourse with men prisoners;

ii. There shall be separation of Adolescent prisoners from Adult prisoners;

iii. Under trial prisoners shall be kept apart from convicted prisoners; and

iv. Civil prisoners shall be kept apart from criminal prisoners. Other than this the following prisoners kept in separate,-

a) Transgender prisoners of all ages shall be separated from other male and women prisoners;

b) Prisoners suspected to be suffering from mental disorders;

c) Hardcore, terrorists, extremists, activists and religious fundamentalists;

d) Prisoners of any class who, **in opinion of the Chief Superintendent/Superintendent of Prison**, are of a bad or desperate character or who have escaped or attempted to escape from lawful custody or **whom it is considered desirable for any other reason to keep apart from others.**

140. Quarantine on admission ;

I. Every newly admitted prisoner shall be subjected to such period of quarantine as Chief Superintendent of Superintendent of Prison, as required;

ii. During the period of quarantine the prisoner shall be strictly separated by day and by night from all prisoners not undergoing quarantine;

iii. If any epidemic disease appears in the quarantine ward no resident of the ward shall be taken into the Prison until the expiry of 14 days from the date of disappearance of the last case of disease;

iv. Elementary orientation should be given to the prisoners during the quarantine period;

v. The prisoners should be explained by the Prison staff including medical officer, simple rules of Prison discipline of personal and communal hygiene, their behavior towards Prison officials and towards other prisoners. The new outlook in regard to the treatment of prisoners, the concession and liabilities of prisoners, the necessity of utilising the period of his Prison life in preparing himself for rehabilitation after his release.

2) The Karnataka Prisons Rules, 1974.

Rule 17. Classes of prisoners :- (1) Under trial prisoners shall be divided into two classes, namely special and ordinary class.

(2) Convicted prisoners shall be divided into three classes namely (1) A class, (2) B class, (3) C Class.

10. It is better to reiterate the explanation submitted by the learned Chief Superintendent of Central Prison, Bengaluru :

In view of the above, the following information has been submitted to the Hon'ble Court at vide this office letter No. CPB/UTP/11146/, dated : 16-09-2025 in reference-3.

1. Interview Facilities.

Karnataka Prisons and Correctional Services Manual-2021, Under Section 731 (1) Under trial prisoners shall be granted all reasonable facilities at proper time and under proper restrictions for interviewing or otherwise communicating either orally or in writing with their relatives, friends or legal advisers. Further Under Section Karnataka Prisons and Correctional Services Manual-2021, 578 (ii) (b)

(1) Two interviews with his/her family, relatives and friends once in a 241 – week excluding Legal Advocates on discretion of Chief Superintendent or Superintendent of Prison.

2. Telephone and Video Conference facilities.

Karnataka Prisons and Correctional Services Manual-2021, 604 (i). At the discretion of the Chief Superintendent or Superintendent of prison a prisoner may be allowed the use of telephones, voice, e-Mulakath and video call to contact his family and lawyers, from time to time, wherever such facility is available. The prisoner can use this facility under the supervision of a prison officer to be designated by the Chief Superintendent or Superintendent of prison while permitting a prisoner the use of telephone or video conference.

Karnataka Prisons and Correctional Services Manual-2021, 604 (ii) The Chief Superintendent or Superintendent of prison shall ensure that such permission is not given to prisoners who have a record of unruly behaviour and bad conduct.

3. Clothing and Bedding.

Karnataka Prisons and Correctional Services Manual-2021, 728 (I) Under trial prisoners other than those for murder, shall be permitted to retain their own clothing, bedding, foot wear

and eating and drinking vessels like plates, spoons, cups and religious emblems.

Karnataka Prisons and Correctional Services Manual-2021, 729 Usual private clothing to meet reasonable requirements should be allowed to under trial prisoners. Such articles of clothing as well affect the security requirements of the institution should not be allowed. An under trial prisoner who has no sufficient clothing of his own may be provided with the same at Government cost at the prescribed scale. Such clothing may be allowed to be retained by the under trial prisoner even after his release.

The following prison bedding, clothing/Utensils has been issued from the institution.

1. Carpet
2. Chaddar/Kambali
3. Bed sheet
4. Plate
5. Mug (Chambu)
6. Bowl
7. Tumbler

As per the Karnataka Prisons and Correctional Services Manual-2021, section 729 – private clothing supplied by themselves like Kambli, bed sheet, shirts/T-shirts/pants/Night pants, under garments and footwear's etc are being allowed.

4. Walking.

As per the Hon'ble Court orders dated 09-009-2025 the accused are allowed to walk on the corridor within the jail premises.

- Morning 01 hour
- Evening 01 hour

5. Other Basic facilities provided.

1. Reading newspapers and Books including books supplied by them.
2. Medical care has been taken care by the medical officers of central prison, Bengaluru.
3. Essential religious necessities.
4. Signing Vakalathnama.
5. Canteen Facilities.
6. Bakery Facilities.

The above basic amenities/facilities have been provided as per the Karnataka Prisons and Correctional Services Manual-2021 and as per the directions of Hon'ble Court order dated 09-09-2025.

Further, this office received of Show Cause notice for non-compliance of Court order and

non-shifting accused persons and sought to submit explanation vide reference-4.

1. Non-compliance of court order.

As per the directions of Hon'ble Court order dated 09-09-2025 and Karnataka Prisons and Correctional Services Manual-2021, the basic facilities have been provided as per the reference (3). Further, on the direction of Hon'ble Court orders allowed to walk on the corridor measuring about approximately 40 to 45 feet's length and 8 to 10 feet's width within the jail premises during morning and evening one hour respectively.

2. Non-shifting of accused persons from quarantine cell.

According to Karnataka Prisons and Correctional Services Manual-2021, 1. Chapter-11, Classification and Separation of Prisoners, 106, (iv) (d).

"Prisoners of any class who, in the opinion of the Chief Superintendent/Superintendent of Prison, are of a bad or desparate character or who have escaped or attempted to escape from lawful custody or whom it is considered desirable for any other reason to keep apart from others"

2. Chapter -12, Admission of prisoners,

140. (i) – “Every newly admitted prisoner shall be subjected to such period of quarantine as the Chief Superintendent or Superintendent of Prison, as required”

In view of the above said provisions of Karnataka Prisons and Correctional Services Manual-2021, because of the security and admission of the prison, the prisoners are kept separate from others.

In view of this, the Hon'ble Court is hereby humbly requesting to consider the above explanation and leave this Show Cause at this stage with respect to the Hon'ble Court order dated 25-09-2025.

This is for your kind perusal.

11. As per the direction of this Court, the learned Member Secretary visited the cell wherein accused No. 2, 6, 7, 11 & 12 are kept in judicial custody and submitted his report. During inspection accused persons stated that two cameras are kept, two windows of the cell. Further stated that provided chadar, but not provided pillows. At the time of inspection the learned Member Secretary noticed that Jail Authorities provided torn chadar. Further Jail Authorities

not allowing the accused persons to go outside in sunlight and not provided T.V. and not allowing to meet their family members. Accused No.2 complained regarding pain in his fingers due to surgery. Jail Authorities not provided mosquito coil, mirror and comb. Finally, the learned Member Secretary observed that Jail Authorities follow the Jail Manual very scrupulously. However, not allowing the accused persons to walk in the sunlight which is inconvenience to them.

12. The learned counsel for accused No.2 submitted that the Jail Authorities is maintaining separate register in respect of accused No.2 only. Further they have taken contention that they have violated this Court order and Jail manual. Admittedly accused No.2 is not convicted person. Therefore, Rule No. 311 (iv) not applied to the accused No.2.

13. I have carefully gone through the explanation submitted by the Jail Authorities. According to them, they have provided Carpet, Chaddar/Kambli, Bed sheet, Plate, Mug (Chambu), Bowl and Tumbler. Further they have also provided interview facility and telephonic and video conference facilities. The accused No.2 is very well aware about opinion expressed by the Hon'ble Supreme Court of India while canceling his bail. Therefore, the explanation submitted by the Jail Authority is satisfactory one.

14. The main grievance of the accused No.2, 6, 7, 11& 12 is that the Jail Authorities have not shifted them from quarantine cell to normal barrack. At this stage, this Court carefully gone through the Rule 106 (iv) (d) wherein it is specified that it is discretionary to keep the person from others based on considered desirable reasons. By considering this provision, it is internal security

arrangement of the Jail Authority, this Court cannot interfere with the security and law and order in Jail premises.

15. In the report the Member Secretary noticed that Jail Authorities provided torn chadar to accused persons, it is shame on the part of Jail Authorities. They should have some humanity towards common man. As per the norms they have to provide proper chadar and other clothes to protect them from winter season or cool weather.

16. In this case, the Member Secretary, DLSA of Bengaluru Urban submitted his report and for the foregoing reasons, it is not necessary to summoning of documents as prayed in the application filed under Sec. 91 of Cr.P.C.

17. By considering all the above facts, I am of the opinion that the submissions made by the Jail Authority is proper and sufficient. Accordingly, I answer point No.1 is answered partly in the Affirmative.

18. **POINT No.2**: In view of the discussion made on the above said point, I proceed to pass the following:

ORDER

An explanation submitted by the Chief Superintendent of Central Prison, Bengaluru, is hereby partly accepted.

The Jail Authorities are directed to follow the Rules and Regulations provided under Karnataka Prison and Correctional Services Manual, 2021.

Further, Jail Authorities is directed to provide new and proper quality chadar and other clothes and clean them once in a month and provide to accused No.2, 6, 7, 11, 12 and 14 without any further direction.

Further, this Court directed to the Chief Superintendent of Jail if it is possible, accused persons may be shifted for suitable cell/barrack which is having safety from all angles.

An application filed by accused No. 2, 11 and 12 under Sec. 91 of Cr.P.C. is hereby rejected.

(Dictated to the Stenographer directly on the computer and corrected by me then pronounced in the open court on this the **29th day of October, 2025**)

(Sri. I. P. Naik)

C/c LVI ADDL.CITY CIVIL & SESSIONS
JUDGE,(CCH-57 BENGALURU CITY.

