

ITEM NO.5

COURT NO.13

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No.183/2026 in SLP(Crl) No.12690/2025

SHASHIKUMAR ALIAS SHAHI CHIKNA VIVEKANAND JURMANI Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)/
Applicant(s)

Date : 24-02-2026 This petition was called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVANFor Petitioner(s) Mr. Pranay Chitale, AOR
 Ms. Sana Raees Khan, Adv. (N/P)
 Ms. Smiti Verma, Adv.
 Mr. Aditya Dutta, Adv.For Respondent(s)/
For Applicant(s) Mr. Tushar Mehta, Solicitor General
 Mr. S.V. Raju, A.S.G.
 Mr. Siddharth Dharmadhikari, Adv.
 Mr. Aaditya Aniruddha Pande, AOR
 Mr. Shrirang B. Varma, Adv.
 Mr. Bharat Bagla, Adv.
 Mr. Sourav Singh, Adv.
 Mr. Aditya Krishna, Adv.
 Mr. Adarsh Dubey, Adv.
 Ms. Chitransha Singh Sikarwar, Adv.

O R D E R

Heard Mr. Tushar Mehta, learned Solicitor General and Mr. S.V. Raju, learned Additional Solicitor General for the respondent/applicant-State of Maharashtra. The Court was informed that they are also appearing on behalf of the officers namely, Mr.

Ashutosh Dumbare, Commissioner of Police, Thane Commissionerate, Maharashtra; Mr. P.J. Jagtap, Superintendent of Police, Kalyan Jail and Mr. C.R. Devkate, Additional Senior Jailor (Judicial), who are also present before the Court in terms of our previous order dated 03.02.2026.

2. In terms of the order dated 03.02.2026, the above-named officers have filed their affidavits.

3. Learned Solicitor General and learned Additional Solicitor General have addressed the Court. However, upon interaction with the above officers, we are not fully satisfied with the stand taken or the averments made in their affidavits.

4. Pausing here, we are also shocked by the conduct inasmuch as, when the order dated 03.02.2026 in no uncertain terms used the following terms with regard to the presence of the above officers "shall remain physically present with their show cause on the date fixed", the officers instead of filing their show-cause, have filed just a simple affidavit.

5. At this juncture, on a query to the officers, as to whether, there was any misunderstanding of the order or they have not read the same, no satisfactory answer is forthcoming. We record that this is an indication of extreme casualness on the part of the officers in not filing a show-cause. Thus, on this short ground also, we could have rejected the affidavits and proceeded with issuing notice for contempt for violation of this Court's order.

6. However, moving on, we find that lame excuses have been made for justifying what has happened. We find such excuses to be totally unacceptable for the reason that a common man's right, that

too a person who is incarcerated and is required under law to be produced before the Court so that he has an opportunity to tell the Court with regard to any grievance he may have during his period of incarceration, has been totally extinguished and the officers have shown it to be a trivial issue and taking the plea of being engaged/preoccupied with other administrative contingencies. We reject such explanation outright.

7. At this juncture, learned Additional Solicitor General submitted that he may be permitted to unconditionally withdraw the affidavits and one last opportunity be given to the above officers to file an appropriate show-cause as per the order dated 03.02.2026 passed by this Court.

8. Mr. Ashutosh Dumbare, Commissioner of Police, Thane, has unconditionally apologised for his conduct and sought to be pardoned for not filing a show-cause. He also submitted that he may be given another opportunity to file his show-cause. The stand of the other two officers is also the same.

9. The matter being of a serious nature, which is borne out from the order dated 02.12.2025, cannot be under-estimated. It has shocked the conscious of this Court. We are also of the opinion that this is not a localised situation, but rather a Pan-India situation, which the Court is inclined to address in these proceedings for the larger public benefit especially, when it relates to the life and liberty of a common man.

10. Accordingly, by way of an extraordinary indulgence, the affidavits filed by the above officers shall not be taken into consideration and they are permitted to file a fresh show-cause by

10.03.2026.

11. Learned Additional Solicitor General submits that the said show-cause besides giving only the factual details, would also clearly lay down the modality which the Commissioner of Police, Thane, has put in place to ensure that in future, no such incident occurs.

12. On a query of the Court to the learned Additional Solicitor General as to what was the import of his stand that factual aspects would be indicated and whether it was by way of a justification, both he and the Commissioner of Police, Thane, clarify that it will not be an explanation but only recording the narration of the events.

13. Coming to the aspect which has been indicated above that this issue is not limited only to the District of Thane in the State of Maharashtra but a Pan-India issue, we direct for impleading of the Directors General of Police and the Inspectors General/Directors General of Prison/the Heads of the Department of the Prisons of all the States and the Union Territories as party respondents. The High Courts of all the States and the Union Territories through their Registrar Generals, shall also be impleaded as party respondents. We are impleading the High Courts as party respondents for the reason that a provision was already there for quite some time for the prisoners to be produced before all the Courts subordinate to the High Courts, both civil and criminal in their respective States, through video conferencing from the jail premises but the same is not being widely used and that it could be one of the ways out as it balances the manpower requirements with the safety and

security requirements as well. For that purpose, the High Courts are noticed so as to apprise the Court as to what measures they have taken for having a dedicated virtual Court only for ensuring the presence of the under-trial persons, who are incarcerated, on dates which are not effective in the sense that when they are not actually physically required for the purposes of examination of witnesses, etc.

14. Issue notice to all the newly impleaded respondents.

15. Registry to send notice to all the concerned Officers of all the States and the Union Territories as also the High Courts and amend the cause title forthwith.

16. The matter be listed on 01.04.2026 at 02:30 p.m., retaining its position, as part-heard.

17. All the above officers, who are today present before the Court, are exempted from appearing in person before this Court, for the present.

(SAPNA BISHT)
COURT MASTER (SH)

(KOMAL)
COURT MASTER (NSH)