

**IN THE SUPREME COURT OF INDIA**

**SPECIAL LEAVE PETITION(CRIMINAL) DIARY NO.(S) 35524/ 2019**

Khursheed Ahmad .... Petitioner (s)

V/s.

The State of Uttar Pradesh .... Respondent (s)

**AFFIDAVIT OF HIGH COURT OF BOMBAY**

I, Amogh S. Kaloti, age 44 years, I/c. Registrar (Legal and Research), High Court, Appellate Side, Bombay do hereby state on solemn affirmation as under:

1. I say and submit that the Hon'ble Supreme Court of India, vide order dated 15<sup>th</sup> June 2020 passed in the aforementioned case, directed the High Courts of Uttar Pradesh, Rajasthan, Madhya Pradesh, Patna, Bombay and Orissa to file affidavits submitting their plan of action for deciding the Criminal Appeals that have been pending before the High Courts for a long period of time and indicating in their affidavits the information as mentioned in the order. I say and submit that I am filing this affidavit on behalf of the High Court of Bombay, in compliance with the order dated 15<sup>th</sup> June 2020 passed by this Hon'ble Court. I say and submit that I have been duly authorised to file this affidavit for and on behalf of the High Court of Bombay.

2. I say and submit that the information submitted on behalf of the High Court of Bombay in this affidavit includes information pertaining to Criminal Appeals pending at the Principal Seat at Bombay, Benches at Nagpur and Aurangabad and High Court of Bombay at Goa,(Panaji).







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3. I say and submit that as per data maintained at the Registry of the High Court of Bombay, as on 1<sup>st</sup> July 2020, 4,423 convicts who are in jail have preferred **3,352** Criminal Appeals which are pending while 17,572 convicts who are on bail have preferred **12,351** Criminal Appeals which are pending. Thus, total number of convicts (both in jail and on bail) is 21,995 and number of pending Criminal Appeals by them in the High Court of Bombay as on 1<sup>st</sup> July, 2020 is 15,703.

Total **3,352** pending appeals by convicts in jail can be classified as under :-

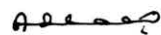
Between 20-30 years old	Between 10-20 years old	Less than 10 year old
<b>0</b>	<b>12</b>	<b>3,340</b>

Total **12,351** pending appeals by convicts on bail can be classified as under :-

More than 30 years old	Between 20-30 years old	Between 10-20 years old	Less than 10 year old
<b>0</b>	<b>697</b>	<b>5,324</b>	<b>6,330</b>

4. I say and submit that out of 3,352 Criminal Appeals preferred by convicts who are in jail, 2,049 and 1,303 Criminal Appeals are to be heard by Division Bench and Single Bench respectively. I say and submit that out of 12,351 Criminal Appeals preferred by the convicts who are on bail, 1,675 and 10,676 Criminal Appeals are to be heard by Division Bench and Single Bench respectively.

5. I say and submit that the High Court of Bombay is also co-ordinating with the Director General, Prisons, Maharashtra State (MS) and Inspector General of Prisons, Goa with the assistance of the Maharashtra State Legal Services Authority and Goa State Legal Services Authority respectively, to compile data with respect to convicts in jails whose appeals are pending. I say and submit that Maharashtra State Legal Services Authority, as directed by this Hon'ble Court in order dated 15<sup>th</sup> June 2020, has



9 prepared a questionnaire for eliciting relevant information from the convicted prisoners and provide the same to the Director General, Prisons (MS). A copy of proforma questionnaire provided to the Director General, Prisons (MS) is annexed herewith as “**Annexure R/1**”. Goa State Legal Services Authority has also framed draft questionnaire and sent it to the Inspector General, Prisons, Goa for seeking the requisite data.

6. I say and submit that the Director General, Prisons (MS) has not yet supplied duly filled questionnaire and it is informed that the said authority requires some time to collect and compile the requisite data as it is not working with full staff strength and many of them have tested positive for Coronavirus infection. The office of the Director General, Prisons (MS) has, however, provided some statistical information in respect of pending Criminal Appeals in a chart form. A copy of the said chart is annexed herewith as “**Annexure R/2**”. The office of the Inspector General of Prisons, Goa has also not yet supplied the information in the form of questionnaire; however, it has provided some information about pending Criminal Appeals filed by the Prisoners.

7. I say and submit that as per the chart provided by the office of the Director General, Prisons (MS), a total number of 7,064 Criminal Appeals preferred by a total number of 4,719 prisoners/convicts are pending. As per the chart, total number of prisoners/ convicts who are more than 60 years of age are 272, number of prisoners / convicts who are suffering from serious illness are 114 and number of prisoners/ convicts who have completed 50 percent (half) of their sentence is 791. I say and submit that the data as to number of prisoners / convicts and pending Criminal Appeals filed by them, as provided by the Director General, Prisons (MS) does not match with






by the data as maintained by the Registry of the High Court of Bombay. I say and submit that the High Court of Bombay, in co-ordination with the Maharashtra State Legal Services Authority, will compare and re-verify the data after receipt of information in the form of questionnaire from the Director General, Prisons (MS). I therefore, seek permission of this Hon'ble Court to file an additional affidavit, if required. I say and submit that as per the data of the Inspector General of Prisons made available by the Goa State Legal Services Authority, in all 22 Appeals by convicts are pending as on 20.07.2020 and out of these 5 prisoners/ convicts have been released while 2 have jumped parole. According to this data, all pending appeals are below 10 years.

8. I say and submit that the High Court of Bombay, as a part of plan of action for deciding the pending Criminal Appeals, proposes dedicated Benches for hearing of all Criminal Appeals at its Principal Seat at Bombay and Benches at Nagpur and Aurangabad. Two Division Benches and two Single Benches shall hear Criminal Appeals exclusively. It is further proposed that priority will be given to those Criminal Appeals where the convicts are in jail. It is also proposed to constitute Special Benches for taking up old Criminal Appeals on Saturdays, if consented to by the parties. I say and submit that Criminal Appeals at the instance of convicts in jail, at present, are being heard through Video Conferencing and the timeline for starting hearing of Criminal Appeals where the convicts are in jail, as proposed, will be finalised after lifting of the ongoing lockdown and commencement of normal Court working. I say and submit that since number of Criminal Appeals pending in the High Court of Bombay at Goa is much less, there is no need to constitute any special bench and the pending Criminal Appeals can be assigned to the regular Benches.



9. I say and submit that High Court of Bombay is keen in making appropriate use of Information Technology and as such Criminal Appeals and records are scanned and maintained in soft copy. I say and submit that the High Court of Bombay has decided to undertake Scanning and Digitization of the records at its principal seat at Bombay and Benches at Nagpur and Aurangabad. A Letter of Award for Scanning and Digitization of the records at the principal seat at Bombay and Benches at Nagpur and Aurangabad on turnkey basis has also been issued to Newgen Software Technologies Limited, New Delhi. Work of development of Document Management System by the awardee is in process.


10. I say and submit that an office submission to explore the possibility of creating a dedicated pool of Amicus Curiae has been placed before the Hon'ble the Chief Justice, Bombay High Court and the same is under active consideration.


  
Amogh S. Kaloti  
I/c. Registrar (Legal & Research)


**VERIFICATION**

I, Amogh S. Kaloti, Age 44 years, I/c. Registrar (Legal and Research), High Court, Appellate Side, Bombay, do hereby solemnly affirm and state that the contents of the aforesaid paras are true and correct to the best of my knowledge and information received and I believe the same to be true and correct.

Hence, verified at Mumbai on this 23<sup>rd</sup> day of July 2020.

Identified by me.  
  
Deputy Registrar  
Legal & Research Department  
High Court, Appellate Side  
Bombay

  
Amogh S. Kaloti  
I/c. Registrar (Legal & Research)  
Solemnly affirmed before me  
by Amogh S. Kaloti, I/c. Registrar (Legal & Research)  
he is identified before me  
by Prashant C. Kale, Dy. Registrar (Legal & Research)  
whom I personally know.  
This 23<sup>rd</sup> day of July 2020  
High Court, Appellate Side, Bombay

  
~~Section Officer~~ Assistant Registrar  
High Court, Appellate Side  
Bombay

PROFORMA QUESTIONNAIRE AS PER THE DIRECTIONS OF  
HON'BLE APEX COURT IN SPECIAL LEAVE PETITION (CRIMINAL )  
DIARY NO 35524 OF 2019 ORDER DATED 15<sup>TH</sup> JUNE, 2020.

1. Name of Prisoners/ Convicts
2. Age
3. Gender
4. Conviction by which Court
5. Case No
6. Conviction under which provisions/sections
7. Period of sentence awarded by Court
8. The period of sentence undergone by convict till 30<sup>th</sup> May, 2020?
9. Whether Appeal is filed? If Yes, Give details like Appeal No, Date of filing, Name of Court and Status of appeal.
10. If more than one person is convicted in the same crime, whether their appeals have been filed separately or jointly?
11. Whether Convict is on bail/in jail?
12. Whether convict is absconding?
13. Whether convict is died and intimated to Court accordingly?
14. Whether prisoner is transferred to other prison after filing of an appeal? If yes, whether intimation given to the transferred prison about pendency of appeal?

- (7)
15. Whether advocate engaged by the convict? If yes, whether private advocate or through Legal Aid?
  16. Whether convict is suffering from any illness? If Yes, give details of the same.
  17. Whether the prisoner is above age of 60 years.

Statistical Information Respect of Pending Criminal Appeals Before High Court of Bombay  
and Bench at Nagpur & Aurangabad

Pending Criminal Appeals

Revised Chart - Summary

Sr. No.	Particulars	Pending Criminal Appeals Upto 10 Years	Pending Criminal Appeals Upto 10 to 20 Years	Pending Criminal Appeals Upto 20 to 30 Years	Pending Criminal Appeals More than 30 Years	Total
1	Total Number of Pending Criminal Appeals	6009	1055	0	0	7064
2	Total Number of Prisoners / Convicts	3803	916	0	0	4719
3	Total Number of Prisoners / Convicts Who Is more Than 60 Years	221	51	0	0	272
4	Total Number of Male Prisoners / Convicts	3467	916	0	0	4383
5	Total Number Women of Prisoners / Convicts	160	0	0	0	160
6	Total Number of Prisoners Convicts Who are Ball	2739	916	0	0	3655
7	Total Number of Prisoners Convicts Lodged in Prison / Jail	3803	916	0	0	4719
8	Total Number of Prisoners / Convicts who are Release on Parole or Furlough	988	44	0	0	1032
9	Total Number of Absconding Prisoners / Convict	134	46	0	0	180
10	Total Number of Prisoners / Convicts Who are Suffering From Serious illness	101	13	0	0	114
11	Total Number who have been complited 50% of their Sentence	740	51	0	0	791

Note :-

- (2) Most of the Appeals are filed In the Hon'ble Court by the Relatives of the Convicts from the outside and not from the Prison.
- (3) In view of COVID-19, Near about 2376 prisoners are released on emergency parole.

SVC  
19/07/2020

(Sharad Khatavkar)

I/C. Deputy Inspector General of Prisons (Hq)  
For - Addl. Director General of Police & Inspector  
General of Prisons, & Correctional Services,  
Maharashtra State, Pune