

Syed Abdul Ala Vs. Intelligence Officer, Narcotics Control Bureau, South Zonal Unit, Chennai and ors.

Syed Abdul Ala Vs. Intelligence Officer, Narcotics Control Bureau, South Zonal Unit, Chennai and ors.

SooperKanoon Citation : sooperkanoon.com/385798

Court : Karnataka

Decided On : Apr-12-2001

Reported in : ILR2002KAR3244; 2002(1)KarLJ417

Judge : K. Sreedhar Rao, J.

Acts : [Constitution of India](#) - Articles 14 and 21

Appeal No. : Criminal Petition No. 1190 of 2001

Appellant : Syed Abdul Ala

Respondent : intelligence Officer, Narcotics Control Bureau, South Zonal Unit, Chennai and ors.

Advocate for Def. : Urval N. Ramanand, Central Special Government Pleader and ;G. Bhavani Singh, High Court Government Pleader

Advocate for Pet/Ap. : Hashmath Pasha, Adv.

Disposition : Ordered accordingly

Judgement :

ORDER

The Court

1. Sri Urval N. Ramanand, Central Special Government Pleader to take notice for respondent 1.
2. In the present petition the important right of the accused to have the dignity and self respect is projected. The petitioner/accused in Special Case No. 24 of 2000 on the file of the Principal City Civil and Sessions Judge made an application to the Trial Court to permit him to wear chappals as he is suffering from disease and he cannot walk with bare foot. The allegations are made against the escort staff of the under-trial prisoners that they are preventing the under-trial prisoners from wearing chappals when they are taken out of the jails to attend the Courts. The Sessions Judge taking a myopic and narrow view in the matter rejected the request on the ground that sufficient medical evidence is not produced to support the contention of the petitioner that it is essential for him to walk with chappals or shoes and that he cannot walk with bare foot.
3. After hearing the Counsel for the petitioner and the respondent, I find that the denial of the right of the under-trial accused to enter the Court halls wearing chappals or shoes by discrimination militates against the individual honour and dignity of the person. It is needless to say that merely because a person facing a trial before a Criminal Court cannot be deprived to wear the dress of his choice provided, it is not indecent and obscene. Wearing of chappals or shoes is a part of the dress manners. We find the accused on bail attending the Court hall wearing chappals or shoes, witnesses attending the Court wearing chappals or shoes, the Court officers, including the Advocates everyone wears chappals or shoes during the Court proceedings, to discriminate only a section of under-trial prisoners and to deny the benefit to come with chappals is a clear violation of the fundamental right under Article 21 of the [Constitution of India](#). The apprehension that the under-trial prisoners if they are permitted to wear chappals or shoes in the Court hall they may likely misuse the position and it may give scope for unpleasant incidents of hurling of shoes is an unfounded contention. Any frustrated man whether an under-trial prisoner or accused on bail or any person for that matter would have same opportunity if he is of an aberated mind. Therefore, discriminating only a section of accused who are under trial prisoners and to prevent them to come with chappals is clear violation of constitutional mandate which ensures individual

dignity and honour.

4. Therefore, the order of the Trial Court is set aside and henceforth it is declared that everyone should be permitted without discrimination to enter the Court halls with chappals or shoes. The jail authorities also should not prevent the under-trial/accused to come with chappals or shoes to attend the Court proceedings if they so desire to attend.

5. Communicate a copy of this order to the Deputy General of Prisons, Karnataka for proper implementation.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com