

ITEM NO.103

COURT NO.2

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 1667-1668/2021

IRFAN @ BHAYU MEVATI

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

(FOR ADMISSION and I.R. and IA No.163432/2021-EXEMPTION FROM FILING
 C/C OF THE IMPUGNED JUDGMENT and IA No.163435/2021-EXEMPTION FROM
 FILING O.T.)

WITH

Cr1.A. No. 220/2022 (II-A)

(IA No. 17921/2022 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 17920/2022 - EXEMPTION FROM FILING O.T.

IA No. 17922/2022 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 22-03-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Appellant(s)

Mr. Mohd. Irshad Hanif, AOR

Mr. Aarif Ali Khan, Adv.

Ms. Sakshi Jain, Adv.

Mr. Mujahid Ahmad, Adv.

Ms. Trisha Chandran, Adv.

Mr. Nishant singh, Adv.

Mr. A.R. Siddiqui, Adv.

Mr. Arvind Kumar Shukla, Advocate

Ms. Reetu Sharma, AOR

Mr. Tushar Swami, Advocate

Ms. Anu Singla, Advocate

Ms. Neena Shukla, Advocate

Mr. Nihal Ahmad, Advocate

Mr. Amit Kumar, Advocate

Mr. Shantanu Shukla, Advocate

Mr. Vasu Chaudhary, Advocate

Mr. Kavi Rajpal, Advocate

For Respondent(s)

Mr. Pashupathi Nath Razdan, AOR

UPON hearing the counsel the Court made the following
O R D E R

While admitting the matter certain directions were issued by this Court in its order dated 15.12.2021.

Learned counsel appearing for the appellant submits that the Lower Court Record has been received in the Registry of this Court but copy of the record has not yet been shared with the learned counsel. The Registry is directed to digitize the record immediately and share a soft copy with the learned counsel as early as possible.

In terms of the directions issued regarding evaluation to be done by the Probation Officer as well as the psychological evaluation by the medically trained professionals, the reports have been received in the Registry. Copies of the reports shall be shared with the learned counsel appearing for the parties.

Interim Application (Dy. No.29948 of 2021) has been preferred submitting inter alia:

"8. It is submitted that mitigation investigators are individuals trained in gathering information and have the ability to elicit personal information of accused. They are equipped with the requisite skills to recognize factors such as trauma, childhood abuse and neglect, and factors which may be relevant for such things as congenital, mental or neurological conditions, to understand how these conditions may have affected the development and behavior of an accused person, and to identify the most appropriate experts to examine the accused or testify on his behalf. The training that a mitigation investigator receives includes identifying, eliciting, compiling and analyzing social histories which are useful skills required in conducting a meaningful and

thorough mitigation investigation. Further, understanding the effects of extensive poverty, neglect, and abuse which may get uncovered during the mitigation investigation is also something that mitigation investigators are best trained to understand."

It is then prayed:

"(a) Grant Ms. C.P. Shruthi permission to visit Central Jail, Ujjain and conduct in-person interviews, with the applicant, Irfan @ Bhayyu Mevati.

(b) Direct the Central Jail, Ujjain, that for the sake of confidentiality these interviews be conducted in a separate space without any prison staff/official being at earshot distance of the applicant.

(c) Grant Ms. C.P. Shruthi permission to record the interviews conducted by means of an audio recorder in the separate interviewing space, or alternatively, grant permission to allow a person nominated by Ms. C.P. Shruthi to accompany her to take notes during the interview.

(d) Direct the Central Jail, Ujjain to grant Ms. C.P. Shruthi access to all record pertaining to the applicant including but not limited to medical records, jail conduct, work done or education pursued in Central Jail, Ujjain, etc."

Issue notice on the interim application to the learned Standing Counsel for the State of Madhya Pradesh.

List on 29.03.2022 as first item on Board.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER