D/... 512 15/10/24

For DCP/NE I For ADCP/NE

Date : 15.10.2024

To,
The DCP,
North East District
Delhi-110053

Sir,

Sir, through this letter I want to draw your attention towards two police stations in your area, Police Station Khajuri Kahas and Dayalpur. Sir, when a person is arrested by the police, at that time the arrested person and his family members need legal help and at that time the accused and his family members are looking for a lawyer. At that time it is the responsibility of a lawyer to help the accused and his family members, which is called prospective clients, which is the decision of the accused person and his family members whether they want to hire a lawyer or not, and the law of our country says that it is the fundamental right of the accused person to hire a lawyer of his choice, for which if the lawyer wants to go to the police station and ask the accused person whether he wants to hire a lawyer or not, then the SHOs of both these police stations and their duty officers refuse to let the lawyers meet the accused person. For which we had told this to the Commissioner of Police and had also requested him to let us meet the accused person, after which he told us that it is your right and you can meet him. After which when we go to alleged police stations after taking permission from your senior officer, we are still not allowed to meet him. You are requested to talk to the SHOs of both the police stations and solve our problem today itself by allowing us to meet the accused person in the morning.

Thankyou

Yours Faithfully

15/10/2024

Adv. Mansi Gulati
M.No.7011023056

and

Ayush Pandey
M.No.9650561516

Date : 04/10/2024

To,
The Commissioner of Police
Delhi Police Headquarters,
Jai Singh Road, New Delhi
Pincode: 110001

Subject : In police stations Dayalpur and Sonia Vihar, advocates are not allowed to meet the arrested persons, whether they are appointed or not, due to which advocates have to face a lot of difficulties.

Respected Sir/Madam,

I am writing to request a personal meeting with you to address a critical issue regarding the rights of advocates to meet with arrested persons during police custody, as outlined by the Hon'ble Supreme Court of India. It has come to my attention that there have been instances of non-compliance and misconduct by the duty officers at Police Station Dayalpur and Sonia Vihar in this regard.

According to the Advocates Act 1961 it was the Right of the Advocate's it is clearly mentioned that Advocate's has the Right to Meet with Accused: It is the right of an advocate to meet with the accused even if he/she is in jail. These meetings help the advocate to gain sufficient information related to the facts and evidence that further help him for fighting the case in Court. Despite that advocates were not allowed to meet in the police station by the Duty Officers and SHO, "***Advocates have the right to meet the client every day in jail***".

The judgment in the case of State (NCT of Delhi) v. Navjot Sandhu by the Hon'ble Delhi High Court underscores the importance of upholding ***"the rights of the person arrested shall be permitted to meet any legal practitioner".*** It is crucial that these legal principles are strictly adhered to in order to safeguard the legal rights and interests of all parties involved in legal proceedings.

Despite the clear guidelines set forth by the Hon'ble Supreme Court, reports indicate that the duty officers at Police Station Dayalpur and Sonia Vihar have allegedly misbehaved with advocates seeking to meet with arrested persons and have denied them access in contravention of the legal requirements.

As per the directives of the Hon'ble Supreme Court, duty officers at the concerned Police Stations are mandated ***to maintain a notice board containing essential details of the accused persons, including their Name, Father's Name, Contact Number, Place of Arrest, and the name of the Investigating Officer (IO)***. Failure to comply with these obligations not only exposes the officials to departmental action but may also lead to contempt of court charges.

Moreover, I would like to draw your attention to ***"a video recording from Dayalpur Police Station, where a law intern attempted to interact with the officers to facilitate advocate-accused meetings"***, which further highlights the challenges faced due to non-compliance and this video has show how much struggle has been faced by the Advocate to meet a client or the accused person under the custody of Police.

A mail on Dt. 03.09.2024 was also sent to the Commissioner of police in which we seeking permission to meet the accused person who held in the custody of the police in the Police Station of Dayalpur which was acknowledge by the commissioner of police on dated 04.09.2024 Via Diary No. 67366 and after that the both the SHO's of the police station are denied to meet the client or accused if the advocate appointed or not. Because the Hon'ble Court where the client or accused has been present the concerned magistrate did not listen if the advocate want and seek time to discuss the situation at that time Hon'ble courts gets angry and says that court is not a place to talk to a criminal, if you want to talk to him then you should go to police station if he is in police custody or you should go to Tihar or Mandoli jail if he is in judicial custody, not in court.

We would like to initiate a departmental inquiry against both the SHO of Police Station Dayalpur and Sonia Vihar along with their Duty Officers and also lead to contempt of court charges, kindly suspend all of them till the departmental inquiry can not be done.

Advocates have faced this issue many times but the SHO doesn't listen to us and for this we tried to give a written complaint in the Police Station of Dayalpur and Sonia Vihar but they Did Not Receive our complaint with a diary number and the same from the side of Dayalpur Police Station.

Both the SHO of Both the police i.e., Dayalpur and Sonia Vihar and their Duty Officers also violate the Article 21 of the Indian Constitution, Fundamental Right of the personal liberty of Equality before law in which the Governments should respect the

confidentiality of communications between lawyers. When the advocate visits the police station at any time but specifically time between (08:00 A.M to 10:00 A.M) duty officers do not allow the advocate to any advocate for the consultation.

I respectfully discuss this matter in person and present the aforementioned concerns in further detail. It is imperative to address these issues promptly to prevent any violations of legal rights and to uphold the principles of justice and fairness in our criminal justice system.

Kindly ensure that the Advocate is the independent body, officer of the court and also deals with the public and to meet the accused person is their right if they are appointed or not.

Prayer :-

1. Kindly take the legal action against both the SHO's and their Duties Officers of the PS Dayalpur and Sonia Vihar.
2. Kindly conduct the Departmental Enquiry against both the SHO's and their Duties Officers of the PS Dayalpur and Sonia Vihar.
3. Please ensure the Right of the advocate to meet any of the Advocate if the advocate is appointed or not.
4. Kindly pass any other order which would be deemed fit in the interest of justice.

Yours sincerely,

Ayush Pandey
M.No. 9650561516

Fwd: Re: Request for Permission to Meet Persons in Custody under Section 126/170 BNSS

From: Ayush Pandey (legalcounselor@myyahoo.com)

To: mail.mansigulati@gmail.com

Date: Wednesday 4 September, 2024 at 04:43 pm IST

---------- Forwarded message ---------
From: Sanjay Arora <cp.sanjayarora@delhipolice.gov.in>
Date: Sep 4, 2024 4:36 PM
Subject: Re: Request for Permission to Meet Persons in Custody under Section 126/170 BNSS
To: legalcounselor@myyahoo.com
Cc: Spl Commissioner of Police Law and Order Division Zone I <splcp.lo.zone1@delhipolice.gov.in>,DCP Vigilance <dcp-vigilance-dl@nic.in>

Respected Sir/Madam

Thanks for your E-mail. Your E-mail has been acknowledged by Commissioner of Police, Delhi and the same has been referred to the Special Commissioner of Police/L&O(ZONE-I) (his office telephone No. 20818059, 23469704, 23469504, & No.23746100 Extn. No.69504 & 69804 and E-mail ID splcp.lo.zone1@delhipolice.gov.in) for further necessary action Vide Dy. No. is 67366/E-mail dated 03.09.2024.

splcp.lo.zone1@delhipolice.gov.in, dcp-vigilance-dl@nic.in

From: legalcounselor@myyahoo.com
To: "Sanjay Arora" <cp.sanjayarora@delhipolice.gov.in>, "Nisha Dixit" <delpol.service@delhipolice.gov.in>
Sent: Tuesday, September 3, 2024 3:58:13 PM
Subject: Request for Permission to Meet Persons in Custody under Section 126/170 BNSS

Respected Sir,

I hope this email finds you in good health and spirits. I am writing to bring to your attention a matter of concern regarding access to persons held in custody under Section 126/170 of the BHARATIYA NAGARIK SURAKSHA SANHITA (BNSS) in the areas of DAYALPUR and KHAJURI KHAS Police Station.

It has come to my attention that I have encountered difficulties in meeting the individuals who are held in custody under the aforementioned sections at the mentioned police stations. Despite my status as an advocate and legal consultant, I have been denied access to these individuals upon attempting to meet them at the police stations. As per my understanding, the provision empowering advocates to meet accused put under custody should allow me to meet with these individuals, upon providing their names to the duty officer.

For instance today and Others Days in the morning that the appointed duty officer of the Police Station did not allowed to meet the accused person the police custody.

In this regard, I would like to draw your attention to the provision which empowers advocates to meet accused persons put under custody. Section 38 of the BNSS stipulates that every person arrested and detained in custody shall be entitled to consult and be defended by a legal practitioner of his choice.

Therefore, in light of the provisions outlined above, I kindly request your intervention to enable me to exercise my legal right to meet the individuals held in custody under Section 126/170 of the BNSS at PS Dayalpur and Khajuri khas on providing their names to the duty officer, as per the provisions of the law.

Your prompt attention to this matter would be highly appreciated, and I am hopeful that the necessary steps will be taken to ensure that my rights and the rights of the individuals in custody are upheld.

Thank you for your attention to this matter.

Yours sincerely,

Adv. Mansi Gulati
&
Ayush Pandey

Mobile No.7011023056, 9650561516