

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
(Original Jurisdiction)

Writ Petition No. /2020

BETWEEN

Mr. Junaaid Ahmed.

Petitioner

And

1. State of Karnataka by its
Secretary, Home Department,
Vidhana Soudha,
Bengaluru - 560001.
2. The Commissioner of Police
Bengaluru City Police,
No. 1, Infantry Road,
Bengaluru- 560001.
3. Investigation Officer
Central Crime Branch,
Cottonpet Main Rd,
Sultanpet, Bakshi Gardens,
Chickpet, Bengaluru - 560001
4. Station House Officer
Devarajeevana Hali Police,
Shampura Main Rd,
Survey Number 4 Munimarappa Block,
Dr Ambedkar Nagar,
Kaval Bairasandra, Bengaluru,
Karnataka 560045
5. Station House Officer
Kadagondana Halli Police
Arabic College Post,

(4)

Nagawara Main Rd,
Vinobha Nagar, Kadugondanahalli,
Bengaluru, Karnataka 560045
Respondents

The Respondent No. 1 and 5,
Are represented by S.P.P,
High Court Building,
Bengaluru.

WRIT PETITION UNDER ARTICLE 226 AND 227 OF
CONSTITUTION OF INDIA

The Petitioner respectfully submits as follows:

1. The address of the petitioner for the purpose of service of summons and notices from this Hon'ble Court is as stated in the above cause title and also of his Advocate Mr. Syed Zaheeruddin Bareed, office at SF19, 2nd floor, H.M.S complex, Cubbonpet Main Road, Bengaluru- 560002.
2. The address of the Respondents for the same purpose is stated in the above cause title.

BRIEF FACTS

3. The Petitioner submits that the Petitioner is a Practicing advocate at Bangalore. It is further submitted that after the riots of Bangalore dated 11-08-2020, many of the People had called to the Petitioner telling that their male members of the Family were arrested in the midnight and of 12-08-2020, 13-08-2020, 14-08-2020, 15-08-2020, 16-08-2020 and their

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whereabouts were not known and the Family members of the persons detained were not informed.

4. The Petitioner submits that the Petitioner being the Advocate had tried to approach the Concerned Police Station, However failed to track any details of the persons.
5. The Petitioner Submits that thereafter the Petitioner had approached the Commissioner Office at Infantry Road to see the names of the arrested persons on the notice board However the petitioner had not found any such details on the Notice Board of the Commissioner Office, thereafter the Petitioner had submitted a representation to the Respondent No.2 office, and the same is produced at Annexure-A.
6. The Petitioner is filing the Writ Petition of Mandamus on the following other grounds.

GROUND

7. The Petitioner submits that Sections 41 C of the Code of Criminal Procedure, 1908, which reads as Follow:

“ Section 41 C: Control Room at districts :- (1) The State Government shall establish a Police Controll room

(a) In every district and

(b) At state level

(2) the State Government Shall cause to be displayed on the notice board kept outside the Control rooms at every district, the named and addresses of Persons arrested and the name and designation of the Police Officers who made the arrests.

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(3) the Control room at the police head quarters at the state level shall collect from time to time, details about the persons arrested, nature of the Offence with which they are charged and maintain a database for the information of the general public. "

8. The reading of the above section mandatorily directs that there shall be a notice board displayed at the District headquarter and in which the names and addresses of Persons arrested and the name and designation of the Police Officers who made the arrests have to be displayed.
9. Compliance with Section 41-C and providing information regarding details of those arrested and in custody is necessary to provide families of those persons with clarity about their whereabouts to ensure that the correct information is reaching all concerned and their suffering is not worsened by the spread of misinformation.
10. Despite the express mandate of law, the names and addresses of the names and addresses of all arrested persons are not displayed by respondents at any of the places.
11. The Petitioner submits that the Petitioner had physically visited the Respondent No.2-3 Office and he had not found any such notice board where the details of the accused persons are displayed in compliance of Section 41-C of the Code of Criminal Procedure Code.
12. The Respondent No.2-3 had violated the provision of law as laid down under Section 41-C of the Code of Criminal Procedure Code. Hence this Writ Petition

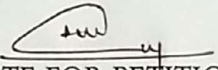
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WHEREFORE, the petitioner above named respectfully pray that this Hon'ble Court may be pleased to

- a. Issue a Writ of Mandamus directing the Respondent No. 2 to display the Names and other details of arrested person and the name and designation of the officer who made the arrest as per and other such details as mentioned in Section 41-C of Code of Criminal Procedure on the notice board of the Respondent No. 2, Commissioner Office.
- b. And pass any such other order or directions that this Hon'ble Court deems fit, in the interest of justice and equity.

Place: Bangalore,

Date: 18-08-2020


ADVOCATE FOR PETITIONER
(SYED ZAHHEERUDDIN BAREED)
KAR/2160/2016

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IN THE HIGH COURT OF KARNATAKA AT BANGALORE
(Original Jurisdiction)

Writ Petition No. /2020

Between:

Mr. Junaid Ahmed,

Petitioner

And

State Of Karnataka and another,

Respondents

VERIFYING AFFIDAVIT

I, Mr. Junaid Ahmed, S/o. Nazeer Ahmed, Advocate, Aged about 37 Years, R/at. #26, 4th A Main Road, New Guruppanapalya, Bengaluru-560029, do hereby solemnly affirm and state on oath as follows:

1. I am the petitioner in the above case and I am conversant with the facts and circumstances of the case.
2. I submit that the averments made in paragraphs 1- 1.2. of the above writ petition are true and correct to the best of my knowledge, belief and information.
3. I submit that the Document at ANNEXURE-A is the endorsement given by the Respondent No. 2.

The Averments made at Para No. 1 to 3 are true and correct to the best of my knowledge and belief.



Identified by me:

Advocate,

Place: Bangalore,

Date: 18/08/2020

KAR/2160/16

18 AUG 2020

NO OF CORRECTIONS 01

Junaid Ahmed

DEPONENT

SWORN TO BEFORE ME

I. KANIKHA RAJA, B.A., DPM. LLB

NOTARY

GOVT. OF INDIA, Regn. No. 10170

No. 97, K.G.Halli, 2nd Cross,

Behind C.S.I. Church, Jahahalli West

BANGALORE - 560 015.

IN THE HON'BLE HIGH COURT OF KARNATAKA AT
BENGALURU

W.P. No:/2020

BETWEEN:

Sri. JUNAIID AHMED

Petitioner

And

State of Karnataka and ~~Another~~

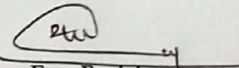
Respondents

LIST OF DOCUMENTS

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page No.</u>
①	ENDORSEMENT ISSUED BY THE RESPONDENT NO. 2.	10

Place: Bengaluru

Date: 19/08/2020


Advocate For Petitioner

To
The Commissioner of Police,
Bangalore City Police,
Infantry Road, Bangalore.

Respected Sir

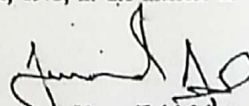
Sub: Requisition to display the Names, Addresses of the arrested person on the display board in the Commissioner Office.

With reference to the aforementioned subject I submit that from last 4 to 5 days I got a number of calls from the Residents of riots hit area of Bangalore, that their kids and their men were taken from their homes in the midnight and they are unable to know their whereabouts and due to curfew and police bandobasth in their localities they are not able to approach concerned police Station and when the police is approached through calling the 100 number they are not at all providing any details. After hearing this I had instructed them to visit the Commissioner Office where they can access the details of arrested person on the display board, However some the people had again called me and informed that there is no such display board in the Commissioner Office. Today I myself had visited Your Office and I have not found any display board where the details of arrested person including the name and designation of the Officer who made the arrest is found.

Respected Sir for your kind information I submit that Section 41 (C) of the Code of Criminal Procedure Code Mandatorily requires that a police control room be established in all districts and Section 41 (c) demands that the names and addresses of all person arrested be displayed on the notice board outside the Control Room. As not displaying the names is a clear violation of Section 41 (c) of the Code of Criminal Procedure Code.

WHEREFORE, I request your good self to kindly display the names and other details of the arrested persons as law requires in the light of section 41 (C) of the Code of Criminal Procedure Code, 1973, in the interest of Justice and equity.

Place: Bangalore,
Date: 17/08/2020.


Yours Faithfully

From:
Mr. Junaid Ahmed,
S/o. Nazeer Ahmed,
Advocate,
R/at. #26, 4th A Main Road,
New Guruppaanapalya,
Bengaluru- 560029
Ph. No: 9632298478



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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

W.P. No. _____ of 2020

Appellant/s, Petitioner's
Caveator/s

Mr. Junaid Ahmed

Vs.

Respondent/s
Judgment - Debtor/s
Opponent/s

State of Karnataka & another

I/We Mr. Junaid Ahmed, S/o. Nazeer Ahmed, Aged about 37 years
the Petitioner

Nos. 1 in the above matter hereby appoint and retain
Sri/Smt. Syed Zaheeruddin Bared, Advocate, SF-19, Second
Floor, H.M.S. Complex, Bengaluru

to appear act and plead for me/us in the above matter and to conduct/prosecute and defend the same in all interlocutory or miscellaneous proceedings connected with the same or with any decree or orders passed therein appeals and or other proceedings arising there from and also in proceedings for review of judgement and for leave to appeal to Supreme Court and to obtain return of any documents filed therein or receive any money which may be payable to me/us.

2. I/We hereby authorise him/her/them on my/our behalf to enter into a compromise in the above matter, to execute any decree/order therein to appeal from any decree/order/therein and to appeal to act to plead in such appeal in any preferred by any other party from any decree/other/therein.

I/We further agree that, if I/We fail to pay the fees agreed upon or to give due instructions at all stages he/she/they is/are at liberty to retire from the case and recover all amounts due to him/her/them and retain all my/our monies till such dues are paid.

Executed by me/us this 18th day of August-2020 at Bengaluru

KAR/2160/16
SYED ZAEHERUDDIN BAREED

[Signature]
Signature/s

[JUNAID AHMED]

Executant/s is/are personally known to me/us and he/she/has/they have signed before me/us.

Satisfied as to the identity of executant/s Signature/s
(Where the executant/s are illiterate, blind or unacquainted with the language of vakalath)

Certified, that the contents were explained to the executant/s in my/our presence in English/Kannada
language known to him/her/them who appear/s perfectly to understand the same and has/have signed in the presence.

Accepted

Name Syed Zaheeruddin Bared Roll No. KAR/2160/16

Name [SYED ZAEHERUDDIN BAREED] Roll No. [Signature]

Advocate for Petitioner

Place: Bengaluru

Date: 19/08/2020

Address for service

Syed Zaheeruddin Bared,
SF-19, Second Floor,
H.M.S. Complex,
Bengaluru - 560002
8951692620
(zaheerb14@gmail.com)

Forms can be had at : The Bangalore Advocates Co-op. Society Ltd., Bangalore - 9 Ph : 22217361

Petitioner

Mr. Junaid Ahmed

S/o Nageer Ahmed,

Aged about 37 years,

R/o # 26, 1st A Main,

New Gumpunanapalya,

Bengaluru - 560029.