

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

CRA No. 11293 of 2023

(ARVIND KUMAR AND OTHERS Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 07-04-2026

Shri Siddharth Datt, Advocate for appellants.

Shri Ajay Tamrakar, Government Advocate for State.

Shri Ram Prakash Yadav, Advocate appears and presses I.A.No.27991/2025, which is an application for change of counsel filed on behalf of the appellant Nos.1, 3 and 6.

Shri Siddharth Datt takes serious objection to the aforesaid application. He submits that the application for change of counsel, i.e. I.A.No.27991/2025 has been filed by Shri Ram Prakash Yadav on behalf of the appellant Nos.1, 3 and 6. However, the Vakalatnama filed alongwith the aforesaid application is on behalf of all six appellants instead of only appellant Nos.1, 3, and 6. It is signed by all six appellants and countersigned by the Deputy Superintendent of Central Jail, Rewa. He points out that the appellant No.2 Sahablal, the appellant No.4 Ramprasad and the appellant No.5 Lalta Prasad are already on bail and, therefore, the Vakalatnama could not have been issued by the Jail Authorities in favour of Shri Ram Prakash Yadav, Advocate. He also submits that the appellant No.2 Sahablal and the appellant No.5 Lalta Prasad were granted bail on 6.10.2025 and the appellant No.4 Ramprasad was granted bail on 26.6.2025 whereas I.A.No.27991/2025 for change of counsel was filed on 24.11.2025.

Thus, it is evident that the appellant No.2 Sahablal, the appellant No.4 Ramprasad and the appellant No.5 Lalta Prasad were already on bail at the

time I.A.No.27991/2025 was filed and, therefore, Vakalatnama could not have been filed on behalf of all the six appellants.

Shri Siddharth Datt submits that appellant No.1 Arvind Kumar is in custody and has filed I.A.No.6918/2026, which is duly supported by an affidavit sworn by one Shri Narendra Yadav, S/o Shri Siddhanath Yadav.

This circumstance indicates that the aforesaid application for change of counsel suffers from several irregularities and appears to expose the existence of a Jail Mafia operating in connivance with certain advocates.

Shri Rajendra Kumar Yadav appears and submits that the appellant No.1 Arvind Kumar is his cousin brother, the appellant No.3 Brijendra Kumar is his real brother and the appellant No.6 Rambaran Yadav is his uncle and. He further submits that he contacted Shri Ram Prakash Yadav, Advocate, for the first time on 24.11.2025. I.A.No.27991/2025 is also dated 24.11.2025 and the affidavit of Shri Rajendra Kumar Yadav was sworn on the same date.

This is a serious matter and requires a thorough investigation, especially since the Deputy Superintendent of Central Jail, Rewa has not even mentioned the date below his signature indicating when the said Vakalatnama was issued.

Let an enquiry be conducted by the Director General (Prisons) into the conduct of the Deputy Superintendent of Central Jail, Rewa and report thereof be filed before this Court within four weeks.

The Director General (Prisons) shall furnish a report within four weeks with regard to Central Jail, Rewa, and shall also submit a comprehensive

enquiry report concerning such practices prevalent in other jails within a period of three months.

The enquiry shall include an examination of all Vakalatnamas, the bail orders, and the custody status and presence of the accused persons. It shall also address the issue of how undated Vakalatnamas could be issued by the jail authorities, even if, hypothetically, the submission of Shri Ram Prakash Yadav, Advocate, were to be considered, though at present, we are not inclined to accept the same.

It appears that an entire racket may be operating from within the jail system, which requires to be unearthed. The Court cannot permit middlemen to act in connivance with Jail Authorities so as to defeat the ends of justice for the accused persons. Failing appropriate corrective measures, this Court may be constrained to direct the personal presence of the accused persons in every matter requiring such verification before entertaining similar applications.

At this stage, Shri Ram Prakash Yadav, Advocate, submits that he had personally visited Central Jail, Rewa to obtain the Vakalatnama.

It is a matter of concern as to how an Advocate could directly approach the Prison Authorities to obtain a Vakalatnama without any prior instructions from the relatives of the accused person(s).

The Director General (Prisons) shall also propose appropriate guidelines to strengthen the existing mechanism so as to prevent the recurrence of such incidents in future.

List this case after four weeks.

Let a copy of this order be furnished to the Director General (Prisons) for necessary compliance by Shri Ajay Tamrakar, learned Government Advocate for the State, during the course of the day.

(VIVEK AGARWAL)
JUDGE

(AVANINDRA KUMAR SINGH)
JUDGE

amit