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# Sena forces lawyer to back out of Kasab case

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Prachi Jatania,

CNN-IBN

May 02, 2010 at 05:45pm

IST

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#Kasab judgment

**Mumbai:** Indian Constitution guarantees everyone including the accused the right to a lawyer.

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However, on the question of defending Mohammad Ajmal Amir Kasab, the lone

terrorist captured alive during the Mumbai terror attack, almost the entire country and the legal community is of the opinion that the Pakistani terrorist should not get any legal help.

Even the one lawyer, Ashok Sarogi, who hinted that he would be willing to represent Kasab was forced to withdraw after angry Shiv Sainiks protested outside his home.

Shiv Sainiks pelted stones outside Sarogi's home in Mumbai on Monday and forced the lawyer to give a written statement saying he will not represent Kasab.

Sarogi, who has represented underworld don Abu Salem in the past, says there is a reason why Kasab must get a defence lawyer.

"There was some confusion. I had given a statement that if the legal procedure can't be completed without a lawyer, any lawyer, including I can fulfil it so that he can be punished," Sarogi tried to clarify his remarks.

But the Shiv Sena is not toning down its rhetoric. Traditionally, the party has vehemently opposed legal representation for bomb blast accused.

But does the party fully understand that Kasab cannot be punished unless some lawyer comes forward to represent him?

"I think there should not be a legal process and it's useless in our country. Such terrorists should be hanged publically in front of Gateway of India. That's our demand," says Sanjay Raut, Shiv Sena MP and party spokesperson.

Besides the political pressure, a moral dilemma has also compelled Mumbai lawyers to keep away from taking up Kasab's case.

The Esplanade Court Bar Association even passed a resolution that none of the members will defend Kasab.

"At this time the public sentiments should be respected. We are forgetting his deeds. We need a judicial amendment in these cases. Are we are talking about rights of a terrorist?" asks Rohini Wagh, President, Bombay Metropolitan Magistrate Court's Bar Association.

Defending terror accused often sparks a controversy but Mumbai lawyers have in the past taken up similar cases including representing the July 11, 2008 serial bomb blast accused.

Now, the issue of politics over terror has triggered varied reactions from Mumbaiers

While some ask 'where was Shiv Sena when the attack happened' others are of opinion that Kasab should get legal aid as the Constitution says.

However, Shiv Sena's protests may only further delay the legal proceedings against Kasab.