

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL WRIT PETITION NO. 334 OF 2015.

**MAHENDRASING VIKRAMSING CHAUHAN
VERSUS
THE STATE Of MAHARASHTRA.**

Appearance =>

Mr. Joydeep Chatterji, Advocate h/for Mr. Sachin Salgare, Advocate
for the Petitioner.

Mrs. V.A. Shinde, Additional Public Prosecutor for the State of
Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 7th April, 2015.

Per Court :-

Rule. Rule made returnable forthwith. Heard finally, with
consent of both the parties.

[2] The petitioner is the accused in connection with CR
No.80/2014 registered with M.I.D.C. Police Station, Latur, Dist. Latur, for
the offences punishable under Section/s 302, 376, 364, 354(A), 120(B) read
with 34 of the Indian Penal Code. At present the petitioner is detained in
District Prison, Latur.

[3] The petitioner has moved an application (Exhibit - 7) in
Sessions Case No.78/2014 pending on the file of the learned the learned Ad

hoc Additional Sessions Judge, Latur with prayer that he be sent from District Prison, Latur to the Office of Sub Registrar, Latur in police escort; since the petitioner wish to execute the General Power of Attorney (In short, the G.P.A.).

[4] The petitioner has submitted before the learned Additional Sessions Judge that he is ready to bear all the expenses which the jail authority will be incurring for the escort and also the expenses of police personnel. However, the learned Ad hoc Additional Sessions Judge was pleased to reject the application on 16th December, 2014 by citing the reason that, G.P.A. can be executed even before the Notary.

[5] The petitioner has placed on record the Partnership Deed dated 17th April, 2008 alongwith the present Petition. The Partnership firm is registered one. The petitioner is one of the partner alongwith others. His younger brother Jitendrasing Vikramsingh Chauhan is also one of the partner in the said Partnership Firm. The petitioner intends to execute the G.P.A. in favour of partner/brother – Jitendrasingh. He has also placed on record the draft of G.P.A. which he intends to execute in favour of his partner/brother.

[6] Smt. Shinde, the learned Additional Public Prosecutor has obtained the instructions from the Superintendent, District Prison, Latur. Upon instructions, she states that, if the Petitioner is ready to bear all the expenses of escort and also the expenses required for police personnel, the petitioner can be taken to the Office of Sub Registrar, Latur.

[7] The learned Trial Court ought to considered that for execution of document before the Notary, it was obligatory either Notary to remain

present in the Jail or the petitioner is to be taken in the office of the Notary. Normally, the Notary will not attend the District Central Prison. In that view of the matter, I pass the following order :-

ORDER

- (i) Writ Petition is allowed.
- (ii) Order dated 16th December, 2014 passed by the learned Ad hoc Additional Sessions Judge, Latur below application Exhibit – 7 filed in Sessions Case No.78 Of 2014 is hereby quashed and set aside.
- (iii) The Superintendent, District Prison, Latur is hereby directed to take the petitioner - MAHENDRASING VIKRAMSING CHAUHAN from District Prison, Latur to the Office of Sub Registrar, Latur on 10th April, 2015, under the armoured Police escort to execute the General Power of Attorney.
- (iv) The Jail Authority shall take the petitioner in the Office of the Sub Registrar, Latur at 11.00 a.m. of 10th April, 2015. The petitioner shall be permitted to remain in the office of the Sub Registrar, Latur till 1.00 p.m. Only.
- (v) The petitioner shall be accompanied by four armoured Police personnel / guards.

(vi) The petitioner shall be lodged in the District Prison, Latur by 2 O'clock on 10th April, 2015.

(vii) The petitioner shall bear all the expenses for transportation and the expenses required to be incurred as charge for four armoured police personnel/guards.

(viii) The petitioner shall deposit an amount of Rs.10,000/- [Rs.Ten Thousand.] with the Office of Superintendent, District Prison, Latur by 9th April, 2015.

(ix) The learned Additional Public Prosecutor for the State of Maharashtra is directed to intimate this Order to the Superintendent, District Prison, Latur, immediately.

(x) With these directions, Writ Petition is disposed of.

(xi) No costs.

(V.M. DESHPANDE, J.)