

JPP

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION**

**CRIMINAL APPLICATION NO. 205 OF 2015
IN
CRIMINAL APPEAL NO. 303 OF 2013**

Balasaheb Baban Waghere.

... Applicant.

V/s.

Superintendent of Jail and Ors.

... Respondents.

Mr. Kuldeep S. Patil a/w. Prashant Mohan Patil for the
Applicant.

Mr. H.J. Dedhia, APP for the State.

**CORAM : P.V. HARDAS &
Dr. SHALINI PHANSALKAR-JOSHI, JJ.**

FEBRUARY 13, 2015.

P.C. :-

By this Application the Applicant prays that the Applicant be taken to the Sassoon Hospital at Pune under Police Escort for attending to his ailing wife who is to be operated on 15.02.2015.

2. According to the Applicant, he is undergoing his sentence of imprisonment for offence punishable under Section 302 of the Indian Penal Code. The Appeal filed by the Applicant i.e. Criminal Appeal No.303 of 2013 is pending in this Court.

3. Since the Applicant has prayed that he be taken to the Hospital under Police Escort, we see no impediment in acceding to the request as the wife of the Applicant is being operated at the Sassoon Hospital on 15.2.2015. We accordingly allow this Application and direct that :

- (1) The Applicant shall deposit an amount of Rs.10,000/- at the Police Head-quarters at Pune on 14.02.2015;
- (2) On such amount being deposited, the Applicant be taken from the Yerwada Central Prison to the Sassoon Hospital, Pune on 15.02.2015;
- (3) The Applicant shall be brought back to the Yerwada Central Prison on the same day in the evening i.e. 15.02.2015; and
- (4) The Applicant, through his Counsel Mr. K.S. Patil, undertakes to pay additional charges if the charges of the escort exceed Rs.,10,000/-.

4. Application is allowed as indicated above.

5. Parties to act on authenticated copy of this order.

6. The learned APP undertakes to communicate this order to the Superintendent, Central Prison at Yerwada.

(DR.SHALINI PHANSALKAR-JOSHI, J.) (P.V. HARDAS, J.)