

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPEAL NO.335/2012

Shri Bhagwanta Krushnarao Sarode

...Versus...

State of Maharashtra, through the Police Station Officer, P.S. Darwha,
District Yavatmal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.S. Bhat, Advocate (appointed) for the petitioner
Shri R.S. Nayak, APP for respondent

CORAM : A.B. CHAUDHARI AND
P.N. DESHMUKH, JJ.

DATE : 11.08.2015

P.C. :

1. On 22.07.2015, this Court made an order directing the Superintendent, Amravati Central Jail, Amravati to take steps to furnish a report about the present mental health of the appellant in view of the Supreme Court judgment cited in that order.

2. Today, we find the report submitted by the Superintendent, Amravati Central Jail, Amravati dated 28.7.2015, in which it is stated that the appellant was indisposed while in jail on 22.5.2013 and therefore, he was admitted as an indoor patient in the civil hospital at Amravati, where he was treated for some time and was thereafter shifted to Government Hospital, Nagpur. However, he breathed his

last on 3.6.2013 at 6:15 p.m. and accordingly the death certificate was sent to the State Human Rights Commission. The report is accompanied by death certificate dated 3.6.2013 and copy of order of the Maharashtra State Human Rights Commission dated 8.8.2014 in which it is stated that since the cognizance of the death of the prisoner was taken by the National Human Rights Commission, New Delhi the case was closed.

3. In view of the death of the prisoner, we hold that the present appeal stands abated and therefore, we dismiss the same as abated.

4. We find that though the appellant/prisoner died on 3.6.2013 and death certificate was sent to the State Human Rights Commission, the information about his death was not sent to this Court in the instant pending appeal for two years. In fact, this Court had heard the appeal on the last date finally and spent sufficient time. But now we find that the appeal had already abated.

5. We wonder as to why the Superintendent, Central Jail, did not similarly inform the Registry of this Court about the death of the convict simultaneously when the Death Certificate was forwarded by him to the State Human Rights Commission on 3rd June, 2013. We find that similar type of lapses on the part of Jail Authorities, Legal Aid Committees of the High Court are seen, - in that criminal appeals of the convicts were actually not filed, though the Legal Aid Sub-Committee of the High Court had allotted the same to the Advocates on the panel for filing. Upon overall review of non-filing of the appeals through the Legal Aid Sub-Committee or through the Non-governmental Organization, we find that it is

necessary for the State Legal Aid Committee to look into all such appeals and matters of the prisoners/convicts to ensure actual filing and further process thereof. We find that a system is required to be devised for checking and cross-checking in these matters to communicate the information about the death of a prisoner in a pending appeal or filing of appeals etc. We find that it is necessary to streamline the system to avoid any possible violation of human rights.

6. We, therefore, direct the Secretary, Home Department, Govt. of Maharashtra, so also the State Legal Aid Committee to file their respective affidavits as to the steps to be taken for making a strong co-ordination between the High Court Legal Aid Sub-Committees, Jail Authorities, District Legal Aid Committees etc. To give an example, we find, Criminal Appeal No. 88 of 2015 was not filed and the prisoner continued to remain in jail for about a decade and ultimately his appeal was filed after about ten years, the same was allowed and the prisoner was acquitted of the charge by this Court. This Court found the said case to be a fit case for awarding compensation to the convict who was ultimately acquitted. We again appreciate that after the order of compensation was made, State Govt., unlike in the past, was kind enough to release the payment of compensation to the convicts quickly. But then, according to us, that is not the solution and correct steps for co-ordination are required to be taken.

7. Copy of this order be sent to the Secretary, Home Department, Govt. of Maharashtra, Mantralaya, Mumbai, and Maharashtra State Legal Aid Committee, High Court, Mumbai.

8. Let the affidavits be filed within four weeks.

9. Steno copy of this order be supplied free of cost to all the concerned.

JUDGE

JUDGE

Wadkar/hedau