

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4611 OF 2016

Uttamrao S/o Maruti Sadavarte,
age : 20 years, Occu.: Labour,
R/o. Warudi, Tq. Paithan,
District Aurangabad

APPLICANT

VERSUS

1. The State of Maharashtra
2. Branch Manager,
Shivaji Nagari Sahakari Bank Ltd.,
Paithan
3. Superintendent Central
Prison, Aurangabad

RESPONDENTS

Mr. R.A. Jaiswal, Advocate holding for
Mr. N.S. Ghanekar, Advocate for the applicant
Mrs. P.V. Diggikar, A.P.P. for respondent no.1/State

CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.

DATE : 27th October, 2016

PER COURT :

The learned counsel for the applicant makes oral prayer so as to add the Superintendent Central Prison, Aurangabad as party respondent no. 3 to the present application. The prayer granted. The amendment be carried out forthwith.

2. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.

3. The applicant, who is the convict and suffering sentence of imprisonment in Central Prison at Aurangabad, has sought the direction against respondent no.3 for production of the applicant before respondent no.2 in order to facilitate him to withdraw the amount lying in his account in the said bank.

4. The learned counsel for the applicant submits that the applicant is ready to bear the expenses for visiting Paithan with the escort that will be provided by the prison authorities.

5. It is stated in the application that the Bank Manager – respondent no.2 is not ready to release the amount on presentation of withdrawal slip signed by the applicant and the physical presence of the applicant is insisted upon and therefore, it is necessary that the applicant should be produced before the said bank.

6. Since the applicant is ready to bear the expenses of escort for his visit to Paithan and since it is necessary that for withdrawal of the amount from his

account at the instance of his family members, it is necessary that he should be physically produced before the concerned bank/respondent no.2. Hence, we allow this application with the following order.

O R D E R

(i) Respondent No.3 is directed to produce the applicant in respondent no.2 - Shivaji Nagari Sahakari Bank Ltd., at Paithan on any working day during working hours, within a period of one week from today to facilitate him to withdraw the required amount out of the amount standing to his credit in his account, subject to his depositing the necessary expenses for escort.

(ii) The Criminal Application is accordingly allowed and disposed of.

(iii) Parties to act upon authenticated copy of this order.

[SANGITRAO S. PATIL]
JUDGE

[S.S. SHINDE]
JUDGE