

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 134 OF 2016

Deepak Jaikishan Sharma	...	Applicant
vs.		
The State of Maharashtra	...	Respondent
Through Jail		

Ms. A.A.Mane, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 23rd June, 2016.

P.C.

Perused the affidavit filed by Shri Anant Vinayakrao Pawde, Senior Clerk attached to Mumbai Central Prison, Mumbai and the affidavit of the Jailor Shri Sudhakar Shankar Kamble of Arthur Road Central Prison, Mumbai. The Senior Clerk has tendered an unconditional apology for sending Demand Note for escort for the petitioner – Deepak Sharma. It is stated in the affidavit that the Senior Clerk had joined duty at about 8.00 a.m. and had taken note of the message noted down by Shri Nitin Ramesh Ohol, the Prison Constable. In the course of routine work, he had sent the message to the Police Headquarter on telephone for police escort for the

said prisoner to produce before the Hon'ble High Court. He was not aware of the contents of the application or the nature of hearing of the matter before the High Court and, therefore, had genuinely presumed that it was a hearing contemplating the personal attendance of the petitioner. It is in these circumstances that he had inadvertently made a police Demand letter and had placed the same before the Senior Jailor for signature.

2. It appears that the Senior Jailor had also not made any enquiry as to the nature of hearing or whether there was any order for causing personal attendance of the accused before the High Court. It is a sorry state of affairs that the applications are considered in a routine manner. The Senior Jailor has submitted before the Court that the Senior Clerk has an untarnished record of service till today and this is the first time that he has been inadvertent or negligent. It is in these circumstances that an unconditional apology tendered by the Jailor as well as Senior Clerk is accepted by this Court. It is further made clear that in future the officials of Arthur Road Prison shall be cautious before making a demand note. In fact, this Court had observed that when the trial is in progress on several dates, accused are not produced before the Court on the stipulated dates and, therefore, charges are not framed which results into delaying the trial. Such matters should be given preference. The Jailor and the Senior Clerk shall

be careful in future.

3. The affidavits are taken on record and marked “X” for the purpose of identification.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)