

sentence. The petitioner has raised various grievances in this petition.

3. The first grievance is that he was handcuffed when he was being taken to be produced in the Court, hence, notice be issued to the Superintendent of Police, Sangli in relation to the petitioner being handcuffed when he was produced in the Court. As far as this grievance is concerned, the petitioner had earlier preferred Criminal Writ Petition No.1102 of 2013 before this Court and raised the same contention. The said Writ Petition was dismissed by this Court on 07/11/2014. Thus, it is not possible to again consider this contention. However, we would like to add that as far as the handcuffing is concerned, the petitioner was handcuffed only after the permission was obtained from the Magistrate to do so as it was apprehended that the petitioner would abscond in view of the fact that in the year 2010, when the petitioner was released on furlough and he had to surrender on 04/12/2010, he did not surrender

in time and after 674 days, the petitioner was arrested in C.R. No. 14/2012 of Vita Police Station and C.R. No. 3104 of 2012 of Karad Police Station and he was brought back to prison. As the grievance of the petitioner in relation to handcuffing has already been looked into by this Court in Writ Petition No.1102 of 2013, it is not possible to consider any contention in relation to the same again.

4 The second grievance of the petitioner is that he is involved in two cases i.e. Crime No.14 of 2012 of Vita police station and Crime No.3104 of 2012 of Karad police station, however, charge-sheet has not been filed in both these cases. So far as this contention is concerned, it is seen that charge-sheet has been filed in Crime relating to Vita police station on 29/04/2015. So far as Crime relating Karad police station is concerned, the charge-sheet has not yet been filed. As far as prayer for discharge is concerned, it would be appropriate that the petitioner makes an application for discharge before the

trial Court.

5 Further case of the petitioner is that as the charge-sheet was not filed within time, he should be given benefit of Section 167(2) of the Code of Criminal Procedure in both the cases. In fact, benefit has been given to the petitioner under Section 167(2) of the Code of Criminal Procedure in both cases. In crime relating to Vita police station, he has been ordered to be released on personal bond and in crime relating to Karad police station, he has been ordered to be released on personal bond in the sum of Rs.15,000/- and surety of Rs.1,000/-. Thus, it is seen that the petitioner has got the benefit of Section 167(2) of the Code of Criminal Procedure in both these cases. In any event, the petitioner states that he no longer has any grievance in relation to grant of bail

6 Thereafter, the petitioner has prayed that he be

discharged in both the cases. As far as this prayer is concerned, it is open to the petitioner to approach the trial Court with the said prayer. We are not inclined to directly consider the said prayer before this Court.

7 The next grievance of the petitioner is that he is not produced in Court in relation to both these cases. As far as Crime relating to Karad police station is concerned, no charge sheet has been filed, hence there is no question of production of the petitioner before the learned Magistrate.

8. As far as case relating to Vita police station is concerned, we have dealt with it in order dated 21/12//2016 passed in Cri. Writ Petition No. 3102 of 2013 in detail. In addition, as far as recent position is concerned, the learned Additional Public Prosecutor has produced a chart which shows that as and when police escort was made available by the police department, the petitioner has been produced

before the Court. The learned Additional Public Prosecutor pointed out that on 07/03/2016, though escort was available, the petitioner refused to attend the Court. Thus, in view of the conduct of the petitioner, it is seen that he has not approached this Court with clean hands. On one side, he makes a grievance that he is not produced before the Court and seeks compensation and on the other hand, he refuses to attend the Court though escort is available. Thus, we are not inclined to show any discretion in favour of the accused.

9 The petitioner has also made a prayer that the case relating to Vita police station be transferred from learned Magistrate Mr.Mujawar to another Magistrate. As far as this prayer is concerned as of now this matter is before the learned Judicial Magistrate First Class Ms. Geeta Desai. Hence, this prayer also does not survive.

10 In view of the above, this Writ Petition is disposed of.

11. Office to communicate this order to the petitioner who is in Kolhapur Central Prison, Kalamba, Kolhapur.

[MRS. MRIDULA BHATKAR, J] [SMT. V.K. TAHILRAMANI, J.]