

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 865 OF 2017

Chintan Upadhyay.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Raja Thakare i/b Bharat Manghani for the Petitioner.

Ms. S. D. Shinde, APP for the State.

Coram : Ranjit More &

Smt. Revati Mohite Dere, JJ.

Date : **March 8, 2017.**

P. C. :

1. Heard. Petition is filed seeking direction to the Superintendent of Thane Central Prison to allow the Petitioner to execute power of attorney and for that matter to take the Petitioner to a Court or before a notary public where a power of attorney can be executed.

2. Mr. Thakare, learned Counsel appearing for the Petitioner submitted that execution of such power of attorney is necessitated for operating the bank lockers in view of demonetisation. Mr. Thakare submitted that power of attorney is ready and willing to bear the cost of escort.

3. Ms. Shinde, learned APP for the State on instructions makes a statement that on 10th March 2017 at 11.00 a.m. the Petitioner would be taken to Thane District Court under escort for

the purpose of execution of power of attorney. Statement is accepted. We accordingly direct the Superintendent of Thane Central Prison to take under escort the Petitioner to Thane District Court premises at 11.00 a.m. on 10th March 2017 in order to enable him to execute the power of attorney. The Petitioner will pay the charges of escort.

4. Before parting with the matter, we must observe that on 9th December 2016 the Petitioner made application for the similar reliefs before the Sessions Court. However, the same is not decided till date. In our opinion, taking into consideration the nature of relief, said application ought to have been disposed of at the earliest and should not have been kept pending for such a long period. We express our displeasure over the delay caused in deciding the said application. We hope and trust that in future the Sessions Court will decide such applications expeditiously.

5. All concerned to act on the authenticated copy of this order.

[Smt. Revati Mohite Dere, J.]

[RANJIT MORE, J.]