

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 344 OF 2019

Shashi Kapoor Ramnath Vishwakarma	Petitioner
Vs.	
The State of Maharashtra	Respondent.

Through Jail.
None for the Petitioner.
Ms. P.P. Shinde APP for the Respondent-State.

**CORAM : A. S. OKA, AND
A. S. GADKARI, JJ.
DATE : 18th FEBRUARY, 2019.**

P.C.:-

Heard the learned APP for the State.

2 There is an Affidavit filed by Shri Rajkumar Sali, the Superintendent, Nashik-Road Central Prison in which he has accepted that there was a delay on the part of the Authorities in forwarding the Petition received through Jail.

3 In view of what is stated by him in the Affidavit and in particular paragraph No.10 thereof, no further action is warranted against the Jail superintendent.

4 There is no reason recorded as to why the emergency parole granted to the Petitioner was confined only to two days. Therefore, as directed today under the common Order passed in Writ

Petition Nos. 354 of 2019 and 604 of 2019, we direct the concerned Competent Authority to immediately reconsider the case of the Petitioner for grant of emergency parole up to the period of 14 days. Appropriate decision shall be taken within a period of one week from today.

5 We have perused the report of the Registrar (Judicial-I). The Report records that some times, Petitions or Appeals of the Prisoner sent through the Jail are addressed to the Hon'ble the Chief Justice or to the office of the Registrar General or to the Registrar (Judicial-I). Therefore, in some cases there is a delay in placing the matter on board.

6 We, therefore, direct the State Government to issue instructions to all the Jail Officers to ensure that irrespective of Authority of this Court to which the Petition/Appeal is addressed, while promptly sending the Petition/Appeal to the concerned Authority to which it is addressed, a copy of the Petition/Appeal shall also be forwarded to the Registrar (Judicial-I) of this Court at the principal seat and the Registrar (Judicial) at Benches of Aurangabad and Nagpur depending upon the jurisdiction of Benches, so that the Registry can take immediate action for placing the matter on Board.

7 The Registrar (Judicial-I) in his report dated 18th February, 2019 has suggested modalities which should be followed to ensure that the matters received through Jail are immediately numbered and listed before the Court. The suggestion made by the Registrar (Judicial-I) deserve acceptance. If the said modalities are implemented, it will facilitate immediate placing of the matters received through the Jail before the concerned Benches.

8 Accordingly, we dispose of the Petition by passing the following Order:-

- a) For the reasons recorded today in Writ Petition Nos. 354 of 2019 and 604 of 2019, the Jail Superintendent shall forthwith reconsider the case of the prisoner for grant of emergency parole. If prayer for grant of emergency parole for 14 days is rejected or if the emergency parole is granted for a period which is less than 14 days, brief reasons shall be recorded;
- b) Appropriate Order shall be passed by the Jail Superintendent within a period of one week from today which shall be communicated to the

Prisoner;

- c) We direct the State Government to issue a circular to all the Jail Officers to ensure that a copy of each Petition/Appeal/Application submitted by the Prisoner through Jail is immediately forwarded to the Registrar (Judicial-I) of principal seat at Bombay and the Registrar (Judicial) at Aurangabad and Nagpur Benches as observed in this Judgment;
- d) The Registry shall implement the suggestions incorporated in the report dated 18th February, 2019 submitted by the Registrar (Judicial-I). The Registrar (Judicial-I) shall issue a circular in terms of the said steps proposed by him and forward a copy thereof to the Registrar (Judicial) at Aurangabad and Nagpur Benches, so that uniform pattern can be adopted;
- e) With the above directions, Writ Petition is disposed of.

(A.S. GADKARI, J.)

(A.S. OKA, J.)