

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (APPR) No.101 of 2020 in Criminal Revision Application
No. 42 of 2013.

Lokeshwar s/o Sheshrao Hirudkar Vs. State of Maharashtra Through Police
Station Narkhed Dist. Nagpur.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.M. Nafde, Advocate for the applicant
Mr. N.R. Patil, APP for the non-applicant.

CORAM : MANISH PITALE, J.

DATED : SEPTEMBER 24, 2020

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Leave is granted to the learned counsel for the applicant to correct the name of the applicant. The Correction be carried out forthwith and it be supplied to the office of the Government Pleader as also the Registry of this Court through e-mail.

3. This is an application seeking extension of time to surrender before the Trial Court to undergo imprisonment.

4. The applicant herein was convicted by the Trial Court

under Sections 279, 337 and 304-A of the Indian Penal Code. He was sentenced to suffer imprisonment for periods ranging between one month to six months, in terms of the order passed by the Trial Court.

5. The challenge raised to the said conviction and sentence stood negated by this Court by dismissal of the Criminal Revision Application No. 42 of 2013. While dismissing the revision application, this Court on 14/02/2020, granted time of four weeks to the applicant / appellant to surrender for undergoing the sentence of imprisonment.

6. It is pointed out in the application that when the applicant attended the Trial Court for surrendering on 23/03/2020, the Clerk of the aforesaid Court informed the applicant that due to the Covid-19 pandemic, the Court was not working and also the fact that the writ and record and proceedings of the matter were not received by the Trial Court from this Court.

7. Thereafter, on 16/09/2020, the applicant received a telephonic message from the Clerk of the Trial Court that the applicant was being directed to surrender before the said Court within three days.

8. It is in these circumstances the applicant has approached this Court. The learned counsel for the applicant submitted that due to the lockdown imposed by the Covid-19 pandemic, various measures have been taken by the authorities to

ensure that over crowding of jails is prevented. In fact, the High Powered Committee constituted by the State in this regard issued guidelines to grant emergency paroles to those already behind bars. It is submitted by the learned counsel for the applicant that the applicant does not wish to avoid the process of law, but, in the present circumstances, it would be in the interest of justice, that further time is granted for surrendering. It is further pointed out that the applicant is about 48 years old and he is a patient of diabetes and other complications, which might further get complicated in the pandemic circumstances, if he were to be put behind bars.

8. In view of the circumstances pointed out on behalf of the applicant, this Court is of the opinion that in the interest of justice, the present application deserves to be allowed and the applicant deserves to be granted reasonable time to surrender to undergo the sentence imposed upon him.

9. In view of above, the application is allowed and the applicant is granted time till 31/12/2020, to surrender to undergo imprisonment.

JUDGE