

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

WRIT PETITION NO.525/2020

PETITIONER : Amol Pramod Raut,
Aged about. 36 years, Occu. Nil
R/o Flat No.S/6,
Shanti Apartment, Chichbhuvan,
Wardha Road, Khapri, Nagpur
Convict No.10611

...VERSUS...

RESPONDENTS:

1. State of Maharashtra through
Deputy Inspector General of
Prison(East Region), Nagpur
2. Superintendent (Prison)
Nagpur Central Prison, Nagur

Ms Sonali B. Khobragade, Counsel for petitioner
Ms Kalyani Deshpande, Counsel for respondents

**CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.
DATE : 28/10/2020.**

ORAL JUDGMENT (PER : SUNIL B. SHUKRE, J.)

1. Rule. Rule made returnable forthwith. The writ
petition is heard finally with the consent of the learned Counsel for

the parties.

2. The petitioner, who is convicted for the offence punishable under Section 376 of the Indian Penal Code, is not eligible to avail of any parole or furlough leave. Son of the petitioner, as seen from the copies of the medical certificates filed on record, is suffering from some neurological disorder, which appears to be in the nature of Epilepsy. For this neurological disorder, it is further seen, the wife of the petitioner requires money and according to the petitioner, presently she is running short of funds. The petitioner now proposes to dispose of some of his assets, in particular, one immovable property, to mobilize the funds for the medical treatment of his ten years old son. The petitioner being in jail, is not able to appear before the Sub-Registrar for execution of any registered document. The learned counsel for the petitioner submits that even if, Power of Attorney is to be executed by the petitioner in favour of his wife authorizing her to dispose of any immovable property, the Power of Attorney cannot be acted upon unless it is duly registered under the provisions of the Registration Act, read with the Maharashtra Stamp Act. The petitioner has,

therefore, approached this Court for seeking one day's special leave, in exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

3. Under the present rules, the petitioner is not eligible to avail of either parole or furlough leave. The only option in the facts and circumstances of the case noted above, available to the petitioner would be of exercise of extraordinary jurisdiction of this Court. Having considered the facts and circumstances of the case, we are satisfied that this is a fit case wherein extraordinary jurisdiction of this Court could be exercised and accordingly we do so by directing the Sub-Registrar, Rural, Nagpur to visit jail for the purpose of registration of Power of Attorney to be executed by the petitioner in favour of his wife.

4. Accordingly we direct the Sub-Registrar, Nagpur, Rural, to visit Central Prison on 06/11/2020 at 11.00 a.m. and do the needful regarding registration of the document being executed by the petitioner in favour of the wife on payment of necessary stamp duties and special visit charges, as per rules. We further direct the

respondents to render their full cooperation to the Sub-Registrar and also to the petitioner in this case by observing the standard safety procedure applicable to COVID-19 pandemic.

Rule accordingly.

JUDGE

JUDGE

J.Pethe