

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

CRIMINAL WRIT PETITION NO.642 OF 2020

Arjun S/o. Bhanudas Devhare (In Jail),
Aged about 31 years,
Convict No. C - 4752, Detained in
Amravati Central Jail Prison, Amaravati.**PETITIONER**

---- **VERSUS** ----

1. State of Maharashtra
Home Department, Mantralaya,
Mumbai.
2. Superintendent of Jail,
Central Prison at Amravati.
3. Divisional Commissioner of
Amravati Division At Amravati. **RESPONDENTS.**

Shri P. M. Shambharkar, Advocate (Appointed) for the Petitioner.
Shri S. M. Ghodeswar, A.P.P for the Respondents/State.

**CORAM : V. M. DESHPANDE AND
AMIT B. BORKAR, JJ.**

DATE : 16.07.2021.

ORAL JUDGMENT : [PER: AMIT B. BORKAR, J.]

1. Heard.
2. Rule. Rule made returnable forthwith.
3. By this petition under Article 226 of the Constitution of India, the petitioner is challenging order dated 16.09.2020 thereby

imposing condition that the petitioner shall pay police escort charges while releasing him on emergency parole.

4. The petitioner is convicted for the offences punishable under Sections 302, 325 and 341 of the Indian Penal Code and has been sentenced of imprisonment for life. The petitioner is undergoing his sentence at Amravati Central Prison from 2015.

5. The petitioner on 03.09.2020 applied for emergency parole leave on the ground of death of his father. The Jail Authority allowed the said application by imposing condition of payment of police escort charges. The petitioner has therefore challenged the condition of imposing of police escort charges by way of present petition.

6. This Court on 18.06.2021 issued notice to the respondents. The respondent No.2 in pursuance of the notice has filed reply stating that the police report is adverse to the petitioner. The police report has revealed that the father of the petitioner had expired on 13.08.2020. It is further revealed upon police enquiry that the petitioner was earlier released on leave, but he had not surrendered to prison on time and therefore, offence under Section 224 of the Indian Penal Code was registered against him. It is also disclosed by the relatives of the petitioner that after the death of

father of the petitioner, all the ritual regarding of his death have already been performed. The police report is based on statements of wife and mother of the petitioner, who have objected for released of the petitioner.

7. The medical certificate annexed along with reply on page 24 reveals that the petitioner is suffering from psychosis from 23.02.2017. The reply therefore states that the petitioner is not entitled for any relief.

8. Shri S. M. Ghodeswar, the learned Additional Public Prosecutor has relied upon unreported judgment of this Court in *Criminal Writ Petition No.354/2019* in the case of *Dilip S/o. Sopan Pawar Vs. The State of Maharashtra and Anr.* wherein this Court has upheld the condition of the payment of police escort charges while a convict is being released on emergency parole.

9. We have carefully considered the petition and the reply filed by the respondent No.2. It appears that the death of the father of the petitioner had occurred on 13.08.2020 and last rites of his father are already performed by the relatives of the petitioner. Since, this Court in the Criminal Writ Petition No.354/2019 had already upheld the condition of imposing of police escort charges, there is no merit in the petition, the petition is therefore, dismissed.

10. Rule is discharged.

The Advocate for the petitioner being appointed to represent the petitioner shall be entitled to fees of Rs.1500/- and expenses of Rs.500/-.

He shall be paid total amount of Rs.2000/- towards his professional charges.

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