

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

CRIMINAL WRIT PETITION NO.16/2021

Ramesh Pandurang Wankhede (in jail)
Convict No.C-4768, Aged about 45 Yrs.,
detained in Central Prison, Amravati,
Dist. Amravati.

..Petitioner.

..Vs..

State of Maharashtra,
through the Superintendent of Prison,
Central Prison, Amravati.

..Respondent.

Shri E.S. Sahastrabuddhe, Advocate (appointed) for the petitioner.
Ms N.R. Tripathi, Additional Public Prosecutor for the respondent.

CORAM :- SUNIL B. SHUKRE AND
AVINASH G. GHAROTE , JJ.
DATED :- 4.3.2021

ORAL JUDGMENT *(Per Sunil B. Shukre, J.)*

1. Heard. **Rule.** Rule made returnable forthwith. Heard finally by consent.

2. The learned counsel for the petitioner submits that it was only on one occasion that the petitioner surrendered belatedly before the jail authorities and this Court has held that unless such default is on two or more occasions, benefit of government resolution dated

8.5.2020 cannot be denied. Learned Additional Public Prosecutor disagrees. The submission so put-forward on behalf of the petitioner is not consistent with the view which we have already taken in such matters. Our view is that even if there is default on single occasion, the prisoner would be disentitled to be released on the ground of Covid-19 pandemic. There is no substance in the argument of the learned counsel for the petitioner. Writ petition is, therefore, dismissed.

3. Legal remuneration of ₹ 2,000/- (₹ Two Thousand Only) be paid to the learned appointed counsel.

JUDGE

JUDGE