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RAJSHREE KISHOR
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3] The learned counsel for the Petition invited our attention to the copy of Government Resolution dated 03.06.2017 placed on record at Page 6, Exhibit A to commemorate 125th Birth Anniversary of Dr. Babasaheb Ambedkar as "Samta Varsh". The state Government Resolution exercising its powers granted benefits of remission to the prisoners specifying certain categories of the prisoners. The learned counsel for the Petitioner submits that the Petitioner has prayed in his application for grant of such benefit and though the petitioner suffered sentence of 10 years, no benefits were granted to him. The learned counsel for the Petitioner submits that as per the Government Resolution dated 03.06.2017 those convicts who have suffered the sentence for 5 years and more or those convicts who are suffering life imprisonments, are entitled for three month remission and the Petitioner was expecting such remission being entitled for the remission, but to his surprise it was orally informed to the Petitioner that the benefit cannot be extended to the Petitioner. The learned counsel for the Petitioner submits that till filing of the Petition, the Petitioner was not in receipt of any written communication about rejection of his prayer. It seems that the copy of the Petition was supplied to the Officer of the Public Prosecutor and on receipt of the copy, instructions were sought for.

4] The learned APP submits that as per the Prison record, the Petitioner had suffered the sentence for 7 years and 25 days on his admission to the prison on 02.07.2016. The learned APP then invited our attention to the annexure to the report submitted by the office of the Public Prosecutor.

5] The learned APP submits that as per the Government Resolution

dated 03.06.2017, there are certain riders for grant of benefits. Our attention was invited to certain categories of the convict prisoners. The learned APP then invited our attention to a pre-requisite for grant of benefit.

6] The learned counsel for the Petitioner prays for copy of the Annexure to the report brought to the notice of this Court. The learned APP undertakes to supply copy of the Appraisal Report dated 14.01.2020 to the learned counsel for the Petitioner. Statement of the learned AP is accepted.

7] Perusal of the Government Resolution show that the Superintendent of Prison has to forward proposal of each convict prisoner for grant of benefit under the Government Resolution dated 03.06.2017 to the Inspector General of Prisons, after seeking appraisal from the Court awarding conviction and sentence to convict prisoner. The learned APP then invited our attention to an Annexure to the report dated 14.01.2020 and submits that the learned Adhoc Judge, Court Room No.40, City Civil & Sessions Judge, Bombay recorded negative appraisal in the proposal of the Petitioner. The negative appraisal reported to the prison authority i.e. Nashik Road Central Prison, Nashik was brought to the notice of the Petitioner. There is also endorsement in the words "Samaj Milali" alongwith signature of the Petitioner.

8] The learned APP then submits that in view of these factual aspects, the Petition be dismissed.

9] On perusal of the above referred material, we find that there is certain communication gap. It seems that though the Petitioner was

made aware of the appraisal in the year 2020 itself, this fact is not informed to the counsel who had prepared the Petition and presented in this Court. The Petition is filed in this Court on 17.01.2022.

10] Considering the another aspect viz. non grant of benefit of Government Resolution dated 03.06.2017 to the Petitioner on the ground of appraisal report, true it is that now nothing remains in the Petition to decide. But before parting, we deem it appropriate to issue certain directions to the prison authorities. In our view if such directions/procedure is adopted by the prison authorities, it will not only help the prisoners so as to raise grievance if any against the negative appraisal, but it will also help the prison authorities in maintaining the transparency in the administration and avoiding the litigation in this court only on account of communication gap. Accordingly following directions are issued :

i] In case the prison authorities in compliance of Government Resolution dated 03.06.2017 receive appraisal from the concerned Court, the prison authorities shall inform this fact by proper communication to the prisoners and not merely seeking an endorsement on the copy of appraisal report.

ii] The prison authorities are at liberty to prepare a format communication indicating the details such as the name of the convict prisoner, his number , the name of the prison where he is lodged, the date of appraisal report and the reference to the concerned Court forwarding the appraisal report i.e. either the Sessions Court, District Court, Additional District Judge etc.

iii] The prison authorities to seek an endorsement on the copy of the said communication and maintain a Register of such inter communication forwarding to the prison having obtain the

endorsement of the prisoner.

iv] We hope and trust that the prison authorities and the State, would take appropriate steps so as to comply the directions of this Court referred above in later and spirit.

v] We further make it clear that the disposal of this Petition would not come in way of the present Petitioner to approach this Court in case he is desirous of filing a proceeding in challenge to the Appraisal report, if so advised.

vi] With these observations the Petition is disposed of.

[S.M.MODAK, J]

[PRASANNA B. VARALE,J]