

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

CRIMINAL WRIT PETITION NO.344 OF 2022

Salim Hasan Sheikh,
age 34 years, occupation :
Convicted Offender (Prisoner
No.C-5733), r/o Central Prison,
Nagpur.

... Petitioner

- Versus -

- 1) State of Maharashtra,
through Ministry for Home,
Mantralaya, Mumbai-32.
- 2) Additional Director General of
Police, Prison and Reformation,
Maharashtra State, Central
Building, Pune – 440001.
- 3) Superintendent of Prison,
Central Prison, Amravati.

... Respondents

Shri R..K. Maheshwari, Advocate (appointed) for petitioner.

Ms. N.R. Tripathi, Additional Public Prosecutor for respondents.

CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.

DATED : JUNE 29, 2022

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

Heard Shri Maheshwari, learned Counsel for the petitioner, and Ms. Tripathi, learned Additional Public Prosecutor, who appears by waiving notice for the respondents.

2) Rule. The rule is made returnable forthwith. Heard finally by consent of the learned Counsel for the parties.

3) The petitioner has been denied access to the coin box telephone facility on the ground that he is a convict under the Protection of Children from Sexual Offences Act, 2012 (for short, “the POCSO Act”). Admittedly, convict under the POCSO Act is not entitled to be released on furlough or parole. The Circular dated 12/2/2019 issued by the respondent no.2 prescribes several categories of prisoners, who are eligible to avail of coin box telephone facility. While interpreting this Circular, this Court in its judgment dated 9/1/2020 rendered in Criminal Writ Petition No.1011/2019 held that category 1 related only to those prisoners, who are eligible to obtain furlough or parole leave. It is also held that there are other categories, which were required to be considered and considering those categories, in particular category 6, it was

found that all the prisoners whose conduct was satisfactory for at least six months from the date of conviction, would be entitled to avail of coin box telephone facility. While making such interpretation of various categories in the Circular dated 12/2/2019, it was held by this Court that almost all the prisoners would be entitled to have access to coin box telephone facility provided they fit in one or the other category of the Circular dated 12/2/2019.

4) Accordingly, we direct that if the petitioner is found to be fitting in category 6 of the Circular dated 12/2/2019, the coin box telephone facility shall be made available to him.

5) Rule is made absolute in the above terms. No costs. The legal remuneration of rupees five thousand be paid to the learned Counsel appointed for the petitioner.

JUDGE

JUDGE

khj