

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 329 OF 2024

Paras Kamlesh Pandya

.. Petitioner

Versus

The State of Maharashtra and anr

.. Respondents

...

Mr. Kartik Garg, legal Appointed Advocate with Aashka Shell for the petitioner .

Dr.Ashvini A. Takalkar, APP for the State.

CORAM:BHARATI DANGRE &
MANJUSHA DESHPANDE,JJ.
DATED: 19th AUGUST, 2024

P.C:-

1 On 20/1/2024, we have considered the petition from a convict housed in Nasik Central Prison, Nasik, who made three grievances.

As far as the grievance for inclusion of his name in the remission system/register is concerned, the learned counsel Mr.Garg had already made a statement that his name has been taken on remission register with effect from 2/1/2024, but in terms of the policy guidelines, it ought to have been included in the remission register after lapse of two years.

We therefore directed the DIG, Prisons to file an affidavit, as the Superintendent, Nasik Central Prison, was unaware of any such policy decision.

2 Accordingly, on 1/8/2024, the Dy. Inspector General of Prisons, Central Region, Chhatrapati Sambajinagar, has placed an affidavit in which he has made the following statement:-

“12 I say and submit that as per G.R by the Head Quarters of prison Pune No. 8177/2018 dated 07/10/2019, the petitioner is eligible to re-admit in remission register from dt. 03/09/2021. The said matter will be kept in front of the committee according to the said G.R, the review remission committee will take decision on the said matter and the review remission committee will be held very soon.”

3 In the wake of the aforesaid statement, the grievance of the petitioner do not survive but Mr.Garg request that the decision should be taken in a time bound manner and therefore, we direct that in consonance with the statement made in paragraph no.12 of the affidavit of the DIG Prisons, the decision of re-admitting the petitioner convict with effect from 3/9/2021 shall be taken within an period of four weeks from today.

4 About the second grievance of the petitioner of admitting him to open prison, the Dy. Inspector General of Prison in paragraph no.16 has made the following statement:

“16 I say and submit that, the petitioner would be again produced before the Open Prison Selection Committee which would be held in near future and the decision would be taken after the opinion of selection committee constituted for selection the convicts to open prison.”

Even this statement is made open ended without any timeline being set out and we direct that the said decision shall be taken within period of six weeks from the receipt of the order.

5 The third grievance which the petitioner make, do not find any redressal at the end of the respondent authorities, as the confusion still prevails.

This grievance is in respect of registration of a Zero FIR, when the convict is alleged to have absconded, but the affidavit dated 1/8/2024 indicate that the FIR which was registered against the petitioner at Nasik Road, Central Prison under Section 224 of IPC vide Crime No.00/2014 was transferred to Jamnagar police station, Jamnagar District, Gujarat.

However, the Superintendent of Police, Jamnagar District, in his communication dated 17/7/2024 addressed to the Superintendent, Nasik Jail, Nasik, has informed that there is no offence registered against the prisoner in Jamnagar District.

The conundrum whether there is any C.R. registered under Section 224 against the petitioner in Jamnagar District, continue, as Nasik Road Central Prison had clarified that Crime No.00/2014 is already transferred to Jamnagar police station.

In absence of any clarity being offered upon this, at this stage, we deem it appropriate to keep this issue open for the petitioner to be agitated at an appropriate stage.

6 We would like to place on record our appreciation for Advocate Kartik Garg, who has represented the petitioner on being appointed through Legal Services Authority. We direct the Legal Services Authority to make the remuneration within a period of six weeks from today.

(MANJUSHA DESHPANDE,J)

(BHARATI DANGRE, J.)