



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

CRIMINAL WRIT PETITION NO.132 OF 2024

Sunil Ramesh Sakharkar, Convict No.C/
8626, Aged – 45 years, Occ. Nil, R/o.
Jairam Sakharkar, Morwa, Chandrapur,
Maharashtra – 4420406 (Presently
confined at Central Prison, Nagpur.)

... PETITIONER

VERSUS

1. State of Maharashtra, through
Deputy Inspector General of Prison,
Eastern Region, Nagpur.
2. The Superintendent Central Prison,
Nagpur.

... RESPONDENTS.

Smt. S.P. Chavhan, Advocate for the petitioner.
Mrs. Tripathi, Addl.PP for the State.

CORAM : VINAY JOSHI AND MRS. VRUSHALI V. JOSHI, JJ.
DATED : 08.02.2024.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

Heard. **ADMIT.**

2. The matter is taken up for final disposal by consent of

learned Counsel appearing for the parties.

3. The petitioner has been convicted for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code and sentenced to undergo imprisonment for life.

4. Due to the death of petitioner's father on 26.01.2024, the petitioner has applied for emergency parole to perform rituals related to the death of his father. The Authority has considered the reason but having regard to the petitioner's past long abscondance, granted emergency parole with police escort for seven days on charges. Being aggrieved by the condition of police escort and payment of charges, the petitioner is before us.

5. It is contended that there is no justification in allowing the petitioner to avail emergency parole in police escort. Secondly, it is submitted that considering the poor financial condition of the petitioner, he cannot be deposited escort charges. It would frustrate the very purpose of granting emergency parole. The learned Counsel for the petitioner relied on the decision of this Court in case of ***Criminal Writ Petition No.813 of 2022 (Avinash Bhimrao Bagade ..vs.. State of***

Maharashtra and anr.) to contend that there is no fix rule of escort charges as well as the Court on its discretion can reduce the escort charges.

7. Learned Counsel for the petitioner would submit that the Prison Authority has informed that the escort charges would be of Rs.1,40,000/- for the period of seven days. Rule 19(1)(c) of the Government Notification authorizes the Inspector General of Prison to reduce or to completely waive the payment of such charges depending upon financial background of the prisoner.

8. We cannot skip the condition for police escort since in past the petitioner absconded for long 10 years. Learned Counsel for the petitioner submits that the petitioner would deposit Rs.10,000/- towards escort charges by reducing the emergency parole for two days.

9. In view of the above, considering the petitioner's financial condition we deem it appropriate to reduce the escort charges to the tune of Rs.10,000/-.

10. By allowing the petition, we hereby modify the impugned

order dated 03.02.2024 passed by the Deputy Inspector General (Prisons) (East), Nagpur only to the extent of reducing the period of emergency parole for two days on payment of Rs.10,000/- towards escort charges.

11. The Criminal Petition stands disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

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