



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

Criminal Writ Petition No.840/2023
(Sachin V the Superintendent, Central Prison, Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. Tripathi, AGP for respondent.

CORAM : Smt. Vibha Kankanwadi & Mrs. Vrushali V. Joshi, JJ
DATE : 12-06-2024.

The present petition was filed with the following
prayers :-

- "i) *Allow the petition and direct the respondent authority to release the petitioner on emergency death parole immediately without police squad;*
- ii) *grant any other relief which this Hon'ble court deems fit and proper in the facts and circumstances of the case."*

2. Learned Advocate for the petitioner is absent.

3. This Court had taken note of the challenge that is made by the petitioner in the petition by order dated 09-11-2023. In fact, the Prison Authorities had allowed three days parole to the petitioner when his father expired on 18-10-2023. However, a condition was put that the escort would be at the cost of the petitioner. The petitioner wanted that the parole should be granted without escort.

4. Now the petitioner has already exhausted the said emergency parole. The only question would be in respect of the expenses. In the impugned order dated 19-10-2023, it has been mentioned that in view of the Government Circular dated 10-02-2022, Rule 19(1)(g)(ii), portion of the expenses can be deposited by such convict or he can make an application to the Special D.I.G. (Prison), Nagpur for exemption of the expenses. When the said remedy is available, the petitioner can still make such an application with the concerned Authority and therefore this is not a fit case where constitutional powers of this Court under Articles 226 and 227 of the Constitution of India needs to be exercised.

5. Petition, therefore, stands disposed of accordingly.

(Mrs. Vrushali V. Joshi, J.)

(Smt. Vibha Kankanwadi, J.)