



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

CRI. WRIT PETITION NO. 492 OF 2024

PETITIONER :

Swapnil Shankarrao Ramteke,
Convict No.C/11014, Aged-32 years, Occ.Nil
(Presently confined at Central Prison,
Nagpur)

-Versus-

RESPONDENTS:

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

Ms S. P. Chavhan, Adv. for the petitioner.
Ms Nandita Tripathi, APP for the respondents-State.

**CORAM: SMT. VIBHA KANKANWADI &
MRS.VRUSHALI V. JOSHI, JJ.**

DATE : 21ST JUNE, 2024

ORAL JUDGMENT (Per : Smt.Vibha Kankanwadi, J.)

The present petition has been filed invoking the constitutional powers of this Court for setting aside order dated 19/06/2024, passed by respondent No.1-Deputy Inspector General of Prison, Eastern Region, Nagpur and for grant of emergency parole on account of sister's marriage without Police escort and with minimum cash security.

2. Heard the learned Advocates for the parties.

3. The petitioner has been sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.5,000/-, in default of fine to suffer rigorous imprisonment for two months. He has been further sentenced for the offence punishable under section 7 read with section 8 of Protection of Children From Sexual Offences Act and sections 354 and 354-A of the Indian Penal Code by the learned Extra Joint District Judge and Additional Sessions Judge, Nagpur on 31/05/2022 in Special POCSO Case No.148 of 2021. It is stated that the petitioner has completed more than three years of imprisonment. He says that his sister's marriage is to be solemnized on 24/06/2024 at 10.30 am at Shree Lohana Sevamandal, Hivari Nagar Layout, Nagpur. He made application for grant of emergency parole. However, it has been rejected. Hence, the present petition.

4. The petitioner has annexed photocopy of the marriage invitation card, which shows that the sister's marriage is scheduled on 24/06/2024 at 10.30 am. Perusal of the impugned order states that the Police report is not favourable and therefore, instead of whatever was demanded, respondent No.1 has stated that the applicant can attend the marriage in Police escort and entire expenses of Police escort will have to be borne by the petitioner.

5. The learned APP supports the impugned order stating that when the report of the Police is not favourable, still taking into consideration the fact that there is marriage of the real sister, the petition may allow with conditions.

6. The learned Advocate for the petitioner relies on the decision of this Court at Principal Seat in Criminal Writ Petition No.354 of 2019 (Dilip S/o Sopan Pawar v. The State of Maharashtra and anr.) with companion matter, decided on 18/02/2019, wherein it was observed that as regards the fixing of Police escort charges, no guidelines were issued by the Government for determining the charges of Police escort in such cases, and the guidelines, which have been referred in the judgment, are not applicable to the prisoners to whom emergency parole is granted in Police escort, in exercise of power under clause (A) of Sub-Rule (1) of Rule 19 of the Prisons (Bombay Furlough and Parole) Rules, 1959. Then it is observed that when emergency parole is granted for short period, the charges can be recovered till the Policy decision is taken.

7. We will not go into much details. Here the marriage is in Nagpur itself and the petitioner is lodged in Nagpur Prison. It would be embarrassing for the other family members, especially the bride when her brother is allowed to attend her marriage in Police escort. Appropriate conditions can be imposed, which will serve the interest of both sides. We, therefore, deem it fit to exercise our constitutional powers to modify the order passed by respondent No.1 and proceed to pass following order.

ORDER

(i) The petition is partly allowed.

- (ii) The order passed by respondent No.1-Deputy Inspector General of Prison, Eastern Region, Nagpur on 19/06/2024 is hereby quashed and set aside.
- (iii) The petitioner is granted special parole for four (4) days starting from 23/06/2024 to attend the marriage of his sister on condition to deposit cash security of Rs.10,000/- with the Jail Authorities before release.
- (iv) Leave is without Police escort. However, the petitioner should report daily at around 6.00 pm to Nandanvan Police Station, Nagpur and he need not be kept there more than an hour by the Police Station Authorities.
- (v) The petitioner to give mobile numbers of two of his near relatives to the Jail Authorities and also to Nandanvan Police Station, Nagpur and he should give his complete address to the Jail Authorities as well as Nandanvan Police Station, Nagpur.
- (vi) Parties to act on authenticated copy of this order.
- (vii) We request the learned APP to inform the order to respondent No.1 as well as to Nandanvan Police Station, Nagpur.
- (viii) The writ petition stands disposed of accordingly.

(MRS.VRUSHALI V. JOSHI, J)

(SMT.VIBHA KANKANWADI, J)