

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

LD-VC WP NO. 1131/2020

Gokarakonda Ramadevudu & anr.
..VS..
Deputy Inspector General & ors.

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

Court's or Judge's orders

Shri Mihir Desai, Sr. Adv. a/b Shri B. Kumar, Adv for the petitioner(s)
Shri P. Sathianathan, Special PP for the respondents

CORAM : Z.A.HAQ & AVINASH G. GHAROTE, JJ.
DATED : 18/08/2020

Heard.

By this petition under Article 226 of the Constitution of India, the petitioners pray that the petitioner no. 2 (convict) be granted emergency parole to enable him to attend the rituals at Hyderabad after death of his mother. The petitioner no. 2 is convicted for the offences punishable under Sections 13, 18, 20, 38 and 39 of the Unlawful Activities (Prevention) Act and Section 120-B of the Indian Penal Code and is undergoing sentence. According to the petitioners, the petitioner no. 2 is in jail since 07/03/2017.

The prayer made in the petition is strongly opposed by the respondents pointing out the merits of the matter which led to conviction of the petitioner no. 2. According to the respondents, the petitioner no. 2 is convicted under the Unlawful Activities (Prevention) Act and the

findings recorded by the Special Court show seriousness of the crime in which the petitioner no. 2 was involved. The communication sent by the Superintendent, Nagpur Central Prison to the Special Public Prosecutor is pointed out by learned Special Public Prosecutor. In this communication, it is stated that the petitioner no. 2 is placed in a high security cell in a separate wing in Nagpur Central Prison and looking to the background of the petitioner no. 2, it would not be safe to direct release of the petitioner no. 2 on emergency parole.

To counter the submission made on behalf of the respondents, learned advocate for the petitioners submitted that the petitioners are willing to deposit the necessary charges for travel of the petitioner no. 2 alongwith security personnel.

This submission is countered by learned Special Public Prosecutor by arguing that the police machinery is already under stress and over worked because of the pandemic situation and the luxury claimed by the petitioners for escorting the petitioner no. 2 to Hyderabad cannot be considered.

Be that as it may, we find that the mother of the petitioner no. 2 died on 01/08/2020 and almost all necessary rituals might have been over by now, in the light of which, the submission made on behalf of the petitioners that because of the grief which has overtaken the family of the petitioners, atleast 15 days parole would be sufficient to enable the petitioner no. 2 to stay with his family members, is clearly not borne out. In the present pandemic situation, considering the condition and age of the petitioner no. 2, any travel would

clearly be unadvisable and as observed above, all medical help is available to the petitioner no. 2 in the prison. In fact, it would be in the interests of the petitioner no. 2 not to undertake any travel at all. Any solace which the petitioner no. 2 may be in need of, which according to him can be ameliorated by the company of his family members, can be addressed by arranging a meeting by video conferencing.

In the background of the submission made on behalf of the respondents, we are not convinced ourselves to grant this prayer also, however, the interests of justice would be sub-served by passing the following order :-

- a) The respondents are directed to permit the petitioner no. 2 to contact his family members through video conferencing on any specified date as would be suggested by the petitioner no. 2 between 10:00 am to 4:00 pm.
- b) The jail authorities shall take necessary precautions while granting this facility.

With the above observations, the writ petition is disposed.

JUDGE

JUDGE