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Ramgopal Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Jul-29-1985

Reported in : 1985WLN(UC)170

Judge : Mahendra Bhushan Sharma and; Mohini Kapoor, JJ.

Appeal No. : D.B. Criminal Appeal No. 289 of 1985

Appellant : Ramgopal

Respondent : State of Rajasthan

Disposition : Application allowed

Judgement :

1. In the pending D.B. Criminal Appeal No. 289/85 (Ramgopal v. The State) this application Under Section 482, Cr. PC has been made in which it has been prayed that the appellant Ramgopal may be transferred from Central Jail, Jaipur to Sewar Jail, Bharatpur.

2. The grounds for transfer of the accused-appellant are that the appellant is suffering from leprosy for over 10 years and is in need of constant treatment. His wife is the only responsible member of the family and she is unable to take trips to Jaipur due to long distance. That apart, it takes two days to travel, if she is to meet the appellant in the Central Jail at Jaipur. She cannot be away from Bharatpur for so long leaving behind young children all by themselves. The pension which is

payable to the appellant has not been paid to him ever since his arrest, i.e. June, 1982, and thus the family has been deprived of the income, and on this ground also the wife of the applicant is unable to take trips to Jaipur on account of there being no finances' with her.

3. In support of his contention that such a humanitarian view should be taken by the Court, the learned Advocate has placed reliance on Omprakash v. State of Haryana 1980 Supp. SCC 91 wherein while disposing of a Criminal Appeal it was observed that the family ties must be preserved instead of dehumanising attitudes and distance being inflicted. The authorities were directed to keep the accused in Gurgaon Jail.

4. In the instant case, as the accused-appellant has three children, all minors, and his wife resides in Bharatpur District, in our opinion it will be in the interest of justice if during the pendency of this appeal, the accused-appellant Ramgopal is transferred and kept in Sewar Jail Bharatpur. The IG Prisons is directed to transfer the accused-appellant Ramgopal from Central Jail, Jaipur to Sewar Jail, Bharatpur till further orders from this Court.

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