

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL WRIT PETITION NO. 1203 OF 2015

Balaji Maruti Kamble,
Convict No.C-7535.

... PETITIONER

VERSUS

The State of Maharashtra.

... RESPONDENT

...

Mr. C. V. Thombre (Appointed), Advocate for Petitioner
Mr. K. S. Patil, APP for Respondent / State.

...

**CORAM : A. B. CHAUDHARI &
INDIRA K. JAIN, JJ.**

DATE : 21st October, 2015.

ORAL JUDGMENT: (Per A. B. Chaudhari, J.)

. Rule. Rule made returnable forthwith. With the consent of learned counsel for the rival parties, the criminal writ petition is taken up for final hearing.

2 Heard learned counsel for the rival parties.

3 Mr. C. V. Thombre, learned counsel for the Petitioner (appointed) has vehemently contended that though Petitioner was brought arrested after 29 days' overstay, facts remains that he was admitted in the hospital during that period and has documents with him to prove the said point. He invited our attention to the documents from the hospital which are filed before us.

4 It is not possible for us to find out the genuineness of the documents and the claim made by him about the illness or the admission in the hospital. We, therefore, make the following order:

ORDER

- I. Criminal Writ Petition No.1203 of 2015, is partly allowed.
- II. The impugned order dated 23rd July, 2015, passed by the Commissioner is set aside.
- III. The proceedings are remitted to the Commissioner for re-examination of the issue in

the light of the above observations within a period of four weeks from today.

IV. Fees of the appointed counsel be paid as per rules.

[INDIRA K. JAIN, J.]

[A. B. CHAUDHARI, J.]

ndm