

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

CRIMINAL WRIT PETITION NO.247 OF 2015

(Amit s/o Gajanan Gandhi vs. The State of Maharashtra and another)

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

Shri N.H. Samundre, Advocate for petitioner.

Ms. P.D. Rane, Additional Public Prosecutor for
respondents.

CORAM : A.B. CHAUDHARI AND
 P.N. DESHMUKH, JJ.

DATED : APRIL 23, 2015

Heard learned Counsel for the parties.

Perused the reply. We quote paras 4
and 5 from the reply, which are as under :

“4) That, it is seen from the Police report that the mother of the petitioner is outdoor patient and is not serious. It is further stated in the Police report that the petitioner on previous occasion had surrendered late by 32 days and attended the Police Station only for 5 days.

5) That, it is further mentioned in the Police report that the ailment of the mother of the petitioner is not serious and the father of the petitioner is very well available for taking care of the mother of the petitioner.”

At the outset, we find that father of petitioner is available to take care of mother of the petitioner. We further find that she was only outdoor patient for few days. Therefore, there is no question of her illness being of serious nature. The petitioner is a person, who was sentenced to death punishment by this Court, but the Apex Court commuted the same to life imprisonment.

Shri Samundre, learned Counsel for petitioner, has relied on judgment dated 11/6/2012 rendered by this Court in Criminal Writ Petition No.276/2012 (Lala @ Anurag s/o Prakash Asare vs. State of Maharashtra and another). The facts in that judgment are totally different and the said judgment has no application to the present case. We, therefore, reject the criminal writ petition.

JUDGE

JUDGE

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