

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

CRIMINAL WRIT PETITION NO.281 OF 2015

(Krushna Hariram Ikhar vs. The Divisional Commissioner, Nagpur Division and another)

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

Ms. A.D. Ramteke, Advocate (appointed) for
petitioner.

Shri D.B. Patel, Additional Public Prosecutor for
respondents.

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATED : JUNE 10, 2015

Heard Ms. Ramteke, learned Counsel
appointed for petitioner and Shri Patel, learned
Additional Public Prosecutor for respondents.
Perused the impugned order passed by respondent
no.1. Seen report forwarded by the Superintendent
of Police, Bhandara as also reply affidavit filed on
behalf of State of Maharashtra before this Court.

The respondents have not considered

whether ailment of mother of petitioner is of serious nature or not. Only on the ground of apprehension of breach of peace in the locality and in the minds of complainant and witnesses, the application of petitioner has been rejected. The application was moved in October 2014 and verification report is dated 6/12/2014. It mentions about certificate issued by Dr. Shende. However, what is the nature of ailment certified by him is not apparent in the said report or in the impugned order.

The petitioner is in Jail since date of incident. That date is also not reflected anywhere. He has been convicted in August 2014. The report shows that complainant and witnesses apprehend some untoward incident, if petitioner is released on parole. However, earlier part of report shows that relatives of petitioner are ready to receive him. This is the first occasion on which petitioner is seeking release on parole.

As the impugned order does not show consideration of all relevant aspects and, therefore, suffers from vice of non-application of mind, it is set aside. The respondent no.1 shall pass fresh order in

the matter in accordance with law within a period of eight weeks from today. The criminal writ petition is disposed of accordingly.

The charges for Counsel appointed for the petitioner are fixed at rupees fifteen hundred.

JUDGE

JUDGE

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