

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

CRIMINAL WRIT PETITION No. 365/2015.

Shivkumar @ Chiku Lakhanlal Yadav

-VERSUS-

The D.I.G. Prisons (E) Nagpur and another.

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

Court's or Judge's Orders

CORAM : **B.P.DHARMADHIKARI**
& P.N. DESHMUKH, JJ.

DATE : **JUNE 26, 2015.**

Heard Shri Mir Nagman Ali, learned
counsel for the petitioner and Shri D.B. Patel, learned
A.P.P. for respondents.

2. Learned counsel for petitioner invites
attention to judgment and order dated 14.11.2014 in
Criminal Writ Petition No. 760/2014 to submit that in
view of the said release and grant of furlough, the
impugned order is unsustainable. He submits that
after release, as per directions of this Hon'ble Court,
petitioner has reported back within time.

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3. Learned A.P.P. submits that the impugned order is of a date which is later in point of time, as such after release of petitioner, the said order and present challenge is rendered infructuous.

4. Learned counsel for petitioner submits that the impugned order considers entitlement of petitioner to be released on furlough leave for subsequent imprisonment undergone and therefore, matter has not become infructuous.

5. The impugned order considers application moved by the petitioner on 30.09.2014. Judgment of this Court dated 14.11.2014 does not mention date of application in relation to which it is passed. However, said order is after 30.09.2014.

6. In this situation, without observing anything on the rival contentions, we direct the respondents to consider eligibility and entitlement of petitioner to be released on furlough in accordance with law keeping in mind the fact that after last judgment of this Court dated 14.11.2014, petitioner claims that he has reported back within time. This fresh application of mind should be completed by the respondents within a period of three weeks.

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7. In view of this, we partly allow the writ petition and dispose of the same. No costs.

JUDGE

JUDGE

Rgd.