

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

CRIMINAL WRIT PETITION NO. 809 OF 2015

(Roshan Kishor Shahakar (Convict No. 7536) presently in Central Prison, Nagpur vs. The Deputy Inspector General (Prisons) (East), Nagpur & Anr.)

AND

CRIMINAL WRIT PETITION NO. 677 OF 2015

(Roshan Kishor Shahakar (Convict No. 7536) presently detained in Nagpur Central Prison, Nagpur vs. The Divisional Commissioner, Nagpur Division, Nagpur & Anr.)

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 &
V.M. DESHPANDE, JJ.
DECEMBER 21, 2015.**

The same person is before this Court in these two matters.

Writ Petition No. 809 of 2015 seeks release on furlough leave while Writ Petition No. 677 of 2015 seeks parole for him on the ground of illness of his mother.

The matters are being heard together. Accordingly, we have heard Shri Mir Nagman Ali, learned counsel and Mrs. Pranita P. Chobe, learned counsel (appointed) for the petitioner in the respective petitions and Shri R.S. Nayak, learned APP for the respondents.

We have perused the reply.

The facts show that a statement in Police report that while enjoying earlier leave he has threatened a lady residing at Navin Babulkheda, Dhobi Mohalla, is incorrect and some other person has done that act. The petitioner is not party to it.

He was released on furlough leave in 2008

and thereafter on parole in 2009, 2010, 2013 and 2014. He was also given death parole on 16.02.2015. He has surrendered late on all these occasions.

He was released on furlough leave on 11.05.2011 and he was required to be arrested and brought back after 286 days.

However, after this arrest also, he has been regularly released on parole.

In this situation, subject to the petitioner furnishing cash security of Rs.5,000/- and proper surety of his relative and after obtaining from him bond / undertaking, he shall be released on furlough leave within a period of four weeks from today. Criminal Writ Petition No. 809 of 2015 is disposed of accordingly.

As the petitioner is being released on furlough, Criminal Writ Petition No. 677 of 2015 is rendered infructuous. It is accordingly disposed of.

The charges of counsel appointed for the petitioner in Criminal Writ Petition No. 677 of 2015 are fixed at Rs.1,500/-.

JUDGE

JUDGE

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