

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

CRIMINAL WRIT PETITION NO.898 OF 2015

Subhash Gaikwad

..vs..

The DIG Prison (E) (R), Nagpur and anr

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

Court's or Judge's Order

Ms M.D. Tembhurne, counsel for the petitioner (appointed).
Mrs. N.R. Tripathi, Addl.P.P. for the State.

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.**

DATED : DECEMBER 8, 2015.

Heard learned counsel appointed for the
petitioner and learned Addl.P.P. for the State.

Perused the reply.

We find that though the petitioner has
reported late almost on six occasions, the same is not after
expiry of long period after due date. The police report
states that on his last release on parole, the petitioner has
used wrong words against the witness in the matter. The
said witness has not reported the incident, if any,
immediately and it is coming on record almost two years
after the alleged incident. The witness also does not point
out that he was threatened in any manner.

In this situation, we find the impugned order

dated 1.9.2015 unsustainable. It is quashed and set aside. The respondents are directed to release the petitioner on furlough after obtaining appropriate undertakings, bonds and sureties.

The charges of learned counsel appointed for the petitioner are fixed at Rs.1,500/-

JUDGE

JUDGE

!! BRW !!

...../-