

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

Criminal Writ Petition No. 954 of 2014

[Namdev Mahadev Tejne (in jail) Vs. The D.I.G. Prison(E)(R), Nagpur & anr.]

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

Court's or Judge's orders

Ms. S. B. Saikhede, Advocate for petitioner (appointed)
Ms. T. H. Udeshi, APP for respondents

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

DATE : 09-01-2015.

Heard learned counsel for rival parties.

We have perused the reply. Para 7 of the
reply reads as under :

“7. *The following chart showing the details of the
petitioner is as under :*

<i>Sr. No.</i>	<i>Particulars</i>	<i>Date of release</i>	<i>Date of surrendered</i>	<i>Remarks</i>
1	<i>Furlough leave (two weeks)</i>	1.4.2008	<i>Not surrendered on due date</i>	<i>Surrendered himself late by 19 days i.e. on 19.5.2008</i>

2	<i>Furlough leave (two weeks and extended of 14 days)</i>	19.9.2008	Not surrendered on due date	Surrendered himself but late by 60 days i.e. on 16.2.2009
3	<i>Furlough leave (two weeks)</i>	8.5.2010	Not surrendered on due date	Surrendered himself but late by 16 days i.e. on 22.6.2010
4	<i>Parole Leave (30 days) & Extended 60 days</i>	19.1.2007	Not surrendered on due date	Surrendered himself but late by 31 days i.e. on 21.3.2007
5	<i>Parole Leave (30 days)</i>	5.10.2010	Not surrendered on due date	Surrendered himself but late by 153 days i.e. on 7.5.2011

From the chart, it appears that petitioner surrendered every time late and has been consistent in his habit of not reporting honestly on the returnable date.

Learned counsel for the petitioner submits that the fact that every time, the petitioner surrendered himself and not brought to jail must be in his favour. We do not agree with the submissions made on behalf of the petitioner.

It is seen that since 2007, the petitioner has developed the habit of reporting late to the prison. The conduct of the petitioner, in fact, consistently reporting late to the prison must result into denial of his prayer. That being so, we make the following order.

ORDER

- (i) Criminal Writ Petition No. 954/2014 is rejected with liberty to the petitioner to apply in future in accordance with law.
- (ii) Fees of learned counsel appearing on behalf of the petitioner is quantified at Rs. 1,500/-.

Judge

Judge

wasnik