

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

CRIMINAL WRIT PETITION NO.61 OF 2016

Suraj s/o Shyam Arkhel

-vs-

State of Maharashtra and anr.

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

Court's or Judge's Orders.

Shri N. H. Samudre, Advocate for petitioner.
Smt. S. S. Jachak, APP for the State.

**CORAM : B. R. GAVAI &
A.S.CHANDURKAR, JJ.**

DATE : MARCH 16, 2016

The petitioner has challenged the order dated 20/06/2015 passed by the respondent No.2 rejecting the application moved by the petitioner for his release on furlough.

In the reply filed on behalf of respondent No.2 it has been stated that the petitioner had challenged the same impugned order in Criminal Writ Petition No.495 of 2015 which was decided on 05/08/2015. The said writ petition was not entertained and liberty was granted to the petitioner to file an appeal against the said order. However, without filing an appeal, the petitioner has again challenged the same order. It is therefore submitted that the present writ petition does not deserve to be entertained.

Having perused the order dated 05/08/2015 passed in Criminal Writ Petition No.495 of 2015 as well as the records of Criminal Writ Petition No.495 of 2015, it is clear that the order dated 20/06/2015 that has been impugned in the present writ petition was also impugned in the earlier writ

petition. Considering the fact that this Court had granted liberty to the petitioner to avail the appellate remedy and without availing the same, the petitioner has again challenged the order dated 20/06/2015, we are not inclined to entertain the writ petition. Same is therefore dismissed with no order as to costs.

JUDGE

JUDGE