

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

CRIMINAL WRIT PETITION NO.403 OF 2016

Umesh s/o Wasudeo Karade (in jail)

-vs-

The State of Maharashtra, Thr. DIG Nagpur and ors.

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

Court's or Judge's Orders.

Shri R. R. Gour, Advocate for petitioner (appointed) .
Smt N. R. Tripathi, APP for respondents.

CORAM : B.P.DHARMADHIKARI &
A.S.CHANDURKAR, JJ.

DATE : September 29, 2016

Petitioner has reported late by 847 days in 2011 and thereafter by 258 days in 2013. It appears that he was required to be arrested and brought back.

In the present criminal writ petition, denial of furlough leave by order dated 19/03/2016 has been questioned. Denial is on account of late reporting mentioned supra.

Advocate Shri Gour submits that justification if any, furnished by the petitioner for late reporting has not been considered. He submits that as he has been appointed from Legal Aid, he has no instructions on facts.

Learned APP invited our attention to the reply affidavit to urge that there is no justification by the petitioner for late reporting.

For late reporting there has to be some penal action. The action may culminate in exonerating or then in some prison punishment. The impugned order mentions that offence vide Crime No.3053/2013 under Section 224 of IPC has been registered with Police Station Pinjar for late reporting. However, it is not very clear whether petitioner was called upon to submit any explanation for his late reporting.

In this situation, taking over all view of the matter we grant petitioner leave to furnish appropriate explanation/justification for his late reporting. If such explanation is furnished within four weeks from today, respondent shall consider it independently and take decision upon it as per law. Entitlement of petitioner to be released on furlough shall be looked into thereafter.

Writ petition is thus partly allowed and disposed of.

Charges of the learned counsel (appointed) are fixed at Rs.1500/-.

JUDGE

JUDGE

-: C E R T I F I C A T E :-

“ I certify that this Judgment/order uploaded is a true and correct copy of the original signed Judgment/order.”

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