

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

CRIMINAL WRIT PETITION NO.461 OF 2016

Rakesh s/o Vikas Jadhav (in jail)

-vs-

The State of Maha. Thr. Central Prison, Pune and 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. V. Salwankar, Advocate for petitioner (appointed).
Ms N. R. Tripathi, APP for respondent/State.

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

DATE : September 21, 2016

Perused the impugned order dated 21/10/2015 as also
reply affidavit.

Admittedly the petitioner was released on furloah and
he sought extension of fourteen days as his wife is
undergoing medical treatment. Extension has been refused
on 21/10/2015 as certificate of a private doctor was
furnished and there was no record of any government
dispensary or Medical Officer.

We find that even on 25/11/2014 Prison Deputy
Inspector General, Western Region, Pune had passed an
order accepting the treatment by very same doctor. In this
situation, the impugned order rejecting extension only on
that ground is unsustainable.

Reply also shows that Superintendent of Morshi Open Prison is awaiting records from Yerawada prison. In this situation, as we find that treatment papers of treatment by Dr Patil could not have been rejected outright, we set aside the order dated 21/10/2015.

We direct the respondents to pass fresh orders on prayer of the petitioner for grant of extension. The orders shall be passed within three months from communication of this order to the concerned officer.

Writ petition No.461/2016 is partly allowed and disposed of.

Charges of Advocate 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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Personal Assistant

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