

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

CRIMINAL WRIT PETITION NO. 587/2016.

Bandu Pannalal Punekar (In Jail)

-VERSUS-

The State of Maharashtra and another

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

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.

DATE : NOVEMBER 28, 2016.

Heard Shri V,.P. Mohod, learned counsel
[appointed] for the petitioner and Ms M.H. Deshmukh,
learned A.P.P. for respondents. Perused reply.

2. Impugned order shows that the petitioner
was released on furlough leave in the year 2006, when
he was brought back after his arrest belatedly by 75
days. Thereafter, parole was given to him in February,
2007. Police arrested him and brought him to prison
350 days late.

3. In the impugned order except for these
two reasons, other instances, if any, are not
mentioned. However, in paragraph no.4, S.C.C. No.
328/2011 under Section 392 read with Section 34 of

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Indian Penal Code is alleged to be pending in the Court of Judicial Magistrate First Class, Wardha. It is mentioned that production warrant in that matter was received on 04.02.2016.

4. If applicant was not released from Jail after his last release in the year 2007, the facts mentioned in paragraph no.4 cannot be appreciated. We therefore, find some confusion. Learned A.P.P. is seeking time to verify the same.

5. However, in this situation, we quash and set aside the impugned order dated 02.04.2016 and direct the respondent Authorities to pass a fresh order at the earliest, and in any case within a period of four weeks from the date of communication of this order to them.

6. Criminal Writ Petition is, disposed of with above directions. No costs.

7. Fees payable to the learned counsel [appointed] for the petitioner quantified at Rs.1500/-.

JUDGE

JUDGE

Rgd.