

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

CRIMINAL WRIT PETITION NO. 738 OF 2016

(MAROTI SHANKAR MANGAM..VS. STATE OF MAH. THR. DIG PRISON (E) & ANR.)

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

Court's or Judge's orders

Shri G.L. Agrawal, Advocate (appointed) for Petitioner.
Shri M.J.Khan, A.P.P. for Respondents.

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

DATED : DECEMBER 21, 2016.

1. Heard for some time.
2. The petitioner claims that on 17/10/2014 he was not given opportunity of hearing. The impugned order states that he had appeared on 17/10/2014 but could not give any reason. Doctor's Certificate showing that the petitioner was unwell after 01/04/2014 (photocopy is annexed with the petition as Annexure-C) is undated. It is obvious that no such certificate was pressed into service before competent authority after service of show cause notice dated 21/04/2014.
3. In the impugned order maximum punishment for remission cut i.e. of 5 days for each day of belated reporting has been imposed. Previous record of the applicant is not pointed out. The present proceedings are filed after obtaining assistance from Legal Aid.

4. In this situation, we direct the authorities to consider the Certificate of the Doctor if its original is made available by the petitioner to them and as also his past conduct and to pass fresh orders within three months of communication of this order to them.

5. The writ petition is **partly allowed** and disposed of.

6. Charges of the appointed counsel are fixed at Rs.1,500/-

JUDGE

JUDGE

RRaut..