

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

CRIMINAL WRIT PETITION Nos. 625 & 739 OF 2016.

Prakash Malku Yedme (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 : DECEMBER 08, 2016.

Heard Ms. S.V. Salwankar, learned
counsel [appointed] and Shri A.Y. Sharma,
learned Counsel for the petitioner and Ms. N.
Tripathi, learned A.P.P. for respondents, in two
matters.

2. In Criminal Writ Petition No.
625/2016, filed on 05.08.2016 challenge is to
rejection of prayer to release the petitioner on
furlough. Order impugned therein is dated
29.02.2016.

3. In Criminal Writ Petition No. 739/2016

2

filed on 20.09.2016, challenge is to order dated 14.07.2016, rejecting parole leave.

4. Parole leave is sought for treating wife suffering from Arthritis. Release is opposed by the Up-Sarpanch and Police Patil of village. In order rejecting parole, it is mentioned that when he was released earlier, he was absconding, he was required to be arrested and brought back. For this Crime No. 3038/2015 under Section 224 of Indian Penal Code was registered, he was tried and competent Court has on 30.11.2015 inflicted punishment of 6 months imprisonment on him. Reply in the matter shows that he reported late by 21 days.

5. In impugned order in Criminal Writ Petition No.625/2016, that punishment of 6 months also finds mention. In addition, it is stated that earlier he was released on furlough leave on 04.01.2012 and was required to be arrested and brought back on 20.12.2013. Thus, there was overstay of 701 days.

2. In this situation, after hearing

3

respective counsel, we do not find any jurisdictional error or perversity. Hence, both Criminal Writ Petitions are rejected.

3. Fee payable to the learned counsel appointed for the petitioner in Criminal Writ Petition No.625/2016 is quantified at Rs. 1500/-.

JUDGE

JUDGE

Rgd.