

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 4528 OF 2013

Ganesh Hanumant Ghuge

.. Petitioner

Vs.

The State of Maharashtra

.. Respondent

Mr. Amit A. Mane for the Petitioner.

Mr. K. V. Saste, APP for the Respondent-State.

CORAM : B. P. DHARMADHIKARI, A.C.J. &
N.R. BORKAR, J.

DATE : 27th FEBRUARY, 2020.

P. C. :

1. We have heard learned Counsel (appointed) for the Petitioner and learned APP in the backdrop of order dated 24.01.2020. Attention of Court is invited to various orders passed in Criminal Appeal No. 425 of 2013 including the order dated 20.04.2016 in Criminal Application No. 437 of 2016. It appears that on health ground, in that Appeal earlier on more than two occasions bail was sought and it was rejected. The Court has also deprecated conduct of Appellant-Applicant.

2. According to learned APP as noted by this Court in its order dated 24.01.2020 prisoner is in open prison since 05.11.2018. He submits that if the Appeal against conviction is pending, the prisoner is not selected and placed in open prison. Similarly he points out that if any medical problem is there, such prisoner is generally not put in open prison.

3. Considering the rival contentions and disputed issues, we direct Respondent-Superintendent of Open Prison, Paithan to examine case papers of the Petitioner and thereafter pass suitable orders afresh if his insistence for grant of medical assistance continues. The Petitioner can apply for such assistance if need still subsists within four weeks from today. That authority can examine the facts and apply law thereafter within four weeks.
4. With these directions, we dispose of the Petition.
5. Order be communicated to prisoner in jail.

[N. R. BORKAR, J.]

[ACTING CHIEF JUSTICE]

Arjun
M.
Kadam

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signed by
Arjun M.
Kadam
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