

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

CRIMINAL WRIT PETITION NO.82/2020

Madhukar Natthuji Wankhede (In Jail) .vs. State of Maharashtra through
Divisional Commissioner, Amravati and anr.

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

Court's or Judge's orders.

Ms R. M. Mishra, Advocate appointed for petitioner.
Mrs. N. Tripathi, A.P.P. for respondent nos. 1 and 2-State.

CORAM : V. M. DESHPANDE AND
PUSHPA V. GANEDIWALA, JJ.
DATED : MARCH 12, 2020

Heard Ms Mishra, learned counsel appointed for petitioner through Legal Aid Committee and Mrs. Tripathi, learned A.P.P. for respondent-State. Also perused the affidavit-in-reply filed on behalf of respondent no.2.

By present writ petition, petitioner is praying for setting aside order dated 08.12.2019 passed by Divisional Commissioner, Amravati Division, Amravati whereby the prayer made by the petitioner to release him on parole on the ground of ill health of his wife, was rejected.

Learned counsel for petitioner invited our attention to page 7 of petition, which is a medical certificate. Perusal of the said certificate would show that it is dated 31.10.2019. However, no supporting documents are filed along with the said certificate.

Reply filed by the learned A.P.P. for respondent-State, would show that at the time of inquiry, wife of petitioner could not furnish any documentary proof in

respect of her ill health. In addition to that, learned A.P.P. further submits that previously when the petitioner was released on furlough, he overstayed for 1617 days and he was required to be brought to the prison by police.

Our order is not influenced by the said statements made in the affidavit. However, since there is no data before the Court to show that the petitioner's wife is suffering from serious illness, in our view, no error is committed by the learned Divisional Commissioner while rejecting the application for furlough.

No case is made out by the petitioner. The writ petition is, therefore, rejected.

Ms R. M. Mishra, learned counsel appointed through Legal Aid Committee, is entitled to receive Rs.2500/- as her professional charges.

JUDGE

JUDGE