

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

CRIMINAL WRIT PETITION NO. 42 OF 2021

PETITIONER :- Bandu Pannalal Puneekar,
Aged about 51 years, (In jail) Convict
No.C-9538,
Central Prison, Nagpur.

...VERSUS...

RESPONDENTS :-

1. State of Maharashtra through
Superintendent of Jail, Nagpur.
2. State of Maharashtra through D.I.G.,
Prisons, Nagpur.
3. State of Maharashtra through I.G.
Prisons, Pune.

Mr.A.J.Dhoble (appointed) counsel for the petitioner.
Ms.N.R. Tripathi, APP for respondents.

CORAM : **SUNIL B.SHUKRE &**
AVINASH G. GHAROTE, JJ.

DATE : 19.01.2021.

ORAL JUDGMENT (Per :Sunil B.Shukre, J.)

1. Heard.
2. Issue notice for final disposal at admission stage to
the respondents.

3. Learned APP waives service of notice for respondents.

4. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

5. This Court, while considering the similar grievance of the petitioner had directed the prison authorities to consider the case of the petitioner afresh in accordance with law and after the exhaustion of 2013 seniority list. This Court had also directed that while considering the case of the petitioner afresh, the respondents would ignore other ground of pendency of the criminal case under Section 224 of the Indian Penal Code as that case was already concluded. These directions were given vide judgment dated 20.02.2019 rendered in Criminal Writ Petition No.848 of 2018 filed by this very petitioner.

6. It appears to us that these directions have not been so far followed by the respondents, which is evident from the communication dated 22.03.2019.

7. In the circumstances, respondents are once again directed to consider the case of the petitioner afresh by constituting Open Prison Selection Committee in accordance with rules within a period of six months from the date of the order. The Committee of course, shall have the discretion to decide the case of the petitioner in accordance with rules, without being influenced in any manner by the order passed by this Court.

8. The petition is allowed accordingly. Rule is made absolute accordingly.

9. Remuneration of Rs. 2500/- be paid to the learned appointed counsel.

JUDGE

JUDGE