

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

CRIMINAL WRIT PETITION NO. 112 OF 2021

Ambadas Kisan Gadekar (In jail)

..VS..

Deputy Inspector General Prison, East, Nagpur and Anr.,

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

Court's or Judge's orders

Shri S. D. Chande, Advocate for the petitioner.
Shri N. R. Patil, A.P.P. for the respondents.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : 01.03.2021

Heard Shri S. D. Chande, learned counsel for the petitioner and Shri N. R. Patil, learned A.P.P. for the respondents.

2. On instructions, learned counsel for the petitioner submits that the petitioner desires to resort to remedy of appeal as provided under Rule 2(3) of the Prisons (Bombay Furlough and Parole) Rules, 1959 and, therefore, he seeks leave of the Court to withdraw the petition with necessary directions in the matter.

3. Leave to withdraw the petition with liberty to file an appeal is granted.

4. It is directed that the appeal may be filed within one week from the date of the order and if it is so filed, it

is further directed that same shall be decided by Appellate Authority in accordance with law within two weeks from the date of filing of the appeal.

5. While deciding the appeal, we further direct that the Appellate Authority shall duly consider the ground of heart ailment put forward by the petitioner and also the fact that according to the petitioner, he could not attend the various dates in another pending trial against him because of his incarceration in jail in another crime.

The Writ Petition is disposed of accordingly.

JUDGE

JUDGE

Kirtak