

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

CRIMINAL WRIT PETITION NO. 125 OF 2021

Shri Atiq Ahmed S/o. Shaikh Nazir,
Aged about 55 years, Convict No. C-3132,
Central Prison, Amravati.

.... **PETITIONER**

// VERSUS //

- 1) D. I. G. (Prisons),
Amravati.
- 2) Jail Superintendent,
Amravati Central Jail, Amravati.

.... **RESPONDENTS**

Shri S. G. Joshi, Advocate (appointed) for the petitioner.
Shri N. R. Patil, Assistant Public Prosecutor for the respondents.

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

DATED : 12.03.2021.

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

1. Heard. **Rule.** Rule made returnable forthwith.
2. Heard finally by consent of the learned counsel appearing for the parties.
3. The impugned opinion dated 24.10.2017 give reasons which are extraneous to the parameters laid down in the Government

Resolution dated 03.06.2017 and therefore, this case is squarely covered by the view taken by us in the case of ***Criminal Writ Petition No.32 of 2021, Ramu Rangrut Madkam Vs. The Deputy Inspector General of Prisons (East Zone) Nagpur and Anr., decided on 15.02.2021.***

4. The Writ Petition is allowed. The impugned opinion is hereby quashed and set aside. The matter is remanded back to the Additional Sessions Judge, Akola for consideration afresh in accordance with law and the guideline laid down by this Court in the case of *Ramu Rangrut Madkam* (supra). The opinion shall be given within 15 days from the date of the order and thereafter, the respondents shall decide the claim of the petitioner within four weeks from the date of receipt of the opinion.

Rule is made absolute in the above terms.

Legal remuneration of Rs.2,500/- (Rs. Two thousand five hundred only) be paid to the learned counsel (appointed) to the petitioner.

(AVINASH G. GHAROTE, J.)

(SUNIL B. SHUKRE J.)