

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

CRIMINAL WRIT PETITION NO. 208/2020

PETITIONER : Satyajeet Sampat Chaudhari,
Convict No. 9707, Central Prison, Nagpur

...VERSUS...

RESPONDENTS: 1. The State of Maharashtra, through
D.I.G. (Prisons) (East), Nagpur.

2. Jail Superintendent,
Nagpur Central Jail, Nagpur.

Shri M.N.Ali, Advocate for petitioner
Ms. H.Jaipurkar, APP for respondent nos.1 and 2

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.
DATE : 25/02/2021.

ORAL JUDGMENT (PER : SUNIL B. SHUKRE, J.)

1] Heard Shri Ali, learned counsel for the petitioner and
learned APP who appears by waiving notice for respondents.

2] Rule. Rule made returnable forthwith. Heard finally
with the consent of the learned Counsel for the parties.

3] This petition raises challenge to the legality and
correctness of the opinion dated 26.09.2019 given by the concerned
Court i.e. the City Civil Court, Dindhoshi, Borivali Division, Mumbai.

4] The issue involved is squarely covered by the view taken by this Court in the case of *Ramu Rangrut Madkam vs. D.I.G. (Prisons), Nagpur and another* (Criminal W.P No. 32/2021), decided on 15.02.2021, and there is no dispute about this fact.

5] The petition is, therefore, allowed and the impugned order dated 26.09.2019, passed by the City Civil Court, Dindoshi, Borivali Division, Mumbai, is hereby quashed and set aside. The matter is remanded back to the concerned City Civil Court for fresh consideration in view of the law laid down by this Court in the aforestated judgment. The opinion shall be accordingly given within three weeks from the date of the order.

6] Rule is made absolute accordingly. No costs.

7] The legal remuneration of Rs.2,500/- (Rupees Two Thousand Five Hundred) be paid to the learned appointed counsel.

JUDGE

Rvjalit

JUDGE

**Rajesh
Jalit**

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by Rajesh Jalit
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