

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

CRIMINAL WRIT PETITION NO. 246 OF 2020

PETITIONER :- Sameer Suresh Katkar
Aged Major (Prisoner No.C-906
In Central Prison, Nagpur.)

...VERSUS...

RESPONDENTS :-1. State of Maharashtra, through its
Secretary, Home Department,
Mantralaya, Mumbai-32

2. Superintendent of Jail, Central Prison,
Nagpur.

Ms.Aarti Singh (appointed)counsel for the petitioner.
Mr.A.S.Fulzele, Addl.PP for respondents.

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

DATE : 24.02.2021.

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

Heard.

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

3. Opinion dated 21.04.2018 rendered by the concerned Additional Sessions Judge, Nagpur has been challenged in this case and we are of the view that the challenge is sustainable .

4. The learned Additional Sessions Judge, Nagpur has rendered his opinion on the basis of the facts extraneous to the G.R dated 03.06.2017, which is not permissible in law. This is the view taken by this Court in its decision rendered on 15.02.2021 in Criminal Writ Petition No.32 of 2021 (Ramu Rangrut Madkam Vs. The Deputy Inspector General of Prisons (East Zone) Nagpur). Therefore, this case is squarely covered by the view so taken and is deserves to be disposed of accordingly.

5. The impugned opinion is hereby quashed and set aside. The matter is remanded back to the learned Addl. Sessions Judge, Nagpur for fresh consideration, keeping in view the Law laid down by this Court in the aforestated case. The opinion shall be rendered within four weeks from the date of the order and in accordance with law.

6. Legal remuneration of Rs.2500/- be given to the learned appointed counsel for the petitioner.

JUDGE

JUDGE