

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

CRIMINAL WRIT PETITION NO. 594 OF 2020

PETITIONER :- Dilip Kisanrao Wagh, aged adult, convict
No.C-4590, Central Prison, Amravati.

...VERSUS...

RESPONDENTS :-

1. The State of Maharashtra, through its Secretary, Home Department, Mantralaya, Mumbai-400032.
2. The Superintendent of Prison, Central Prison, Amravati.

Mr.R.M.Sharma, appointed counsel for the petitioner.
Ms.H.N.Jaipurkar, APP for the respondents.

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

DATE : 02.02.2021.

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. By the impugned order, the petitioner has been

awarded punishment of 5 days cut in the remission of the sentence to be granted to the petitioner. This punishment has been given to him by relying upon the statement of one guard Shri. Rajesh Doifode. In the impugned order it is stated that Rajesh Doifode saw this petitioner as eating non-vegetarian food, an act not permissible under the Prison Rules, as non vegetarian food itself is banned in the Prison. However, statement of Rajesh Doifode which is filed along with the reply of the respondent no.2 shows some thing different. It shows that Dilip Kisanrao Wagh i.e. the petitioner was found at the relevant time to be mopping his place inside the prison and that the statement does not show that Rajesh Doifode had stated at any point of time that he had seen the petitioner eating the non-vegetarian food. It is clear that the impugned order is perverse and therefore deserves to be quashed and set aside.

4. The Criminal Writ Petition is allowed. The impugned order is hereby quashed and set aside.

5. Rule is made absolute in these terms.

6. Legal remuneration of Rs.2500/- be paid to the learned appointed counsel.

JUDGE

JUDGE