

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

CRIMINAL WRIT PETITION NO.796 OF 2021

Shri Sunil Vishnu Mukne,
Aged about 30 years,
R/o At Post Kolad Adiwashiwadi,
Post : Kolad, Tah. Roha, Dist. Raigad,
(C-5337 - Presently at Central Prison
Amravati)

...PETITIONER

...V E R S U S...

1. State of Maharashtra,
Through Superintendent of Jail,
Central Jail, Amravati.
2. Divisional Commissioner,
Amravati Division, Amravati.
3. The Deputy Inspector General of Prison,
Eastern Region, Nagpur.

...RESPONDENTS

Shri Raju Kadu, Advocate for petitioner.
Shri S.M. Ghodeswar, A.P.P for respondents.

CORAM:- M.S. SONAK AND PUSHPA V. GANEDIWALA, JJ.
DATE :- 23rd DECEMBER, 2021

ORAL JUDGMENT : (PER: M.S. SONAK, J.)

Rule. Rule is returnable forthwith. Heard finally with the consent of learned counsel appearing on behalf of both the sides.

2. For the reasons which we have set out in our judgment and order dated 21.12.2021 disposing of Criminal Writ Petition No.800 of 2021 (Dilip s/o Vishnu Pawar Vs. State of Maharashtra and others), we set aside the impugned order dated 04.06.2021 made in the present case and remand the

matter to the concerned authority (respondent no.1) for fresh consideration of application of the petitioner in accordance with law and in the light of observations that we have made in our judgment and order dated 21.12.2021 disposing of Criminal Writ Petition No.800 of 2021.

3. The petitioner's application will have to be decided expeditiously and in any case within two weeks from the date of communication of this order. Further, we make it clear that the petitioner's application will have to be decided based on the situation prevailing on the date of which the said application was made.

The Rule is made absolute. There shall be no order for costs.

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)

Wagh