

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

CRIMINAL WRIT PETITION NO.267/2022

Vikky Rahul Pawanmare and another

...Versus...

State of Maharashtra through its Secretary, Department of Home, Mantralaya,
Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri Rahul Kurekar, Advocate for petitioners
Shri A.R. Chutke, APP for respondents/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 02/05/2022

1. Shri Kurekar, learned Counsel for the petitioners, by inviting my attention to the order dated 08/03/2022, points out that the same has been passed without considering the record, as the same was not produced by the respondents authorities.

2. Shri Chutke, learned Additional Public Prosecutor for the respondents does not dispute the findings, as recorded in the impugned order dated 08/03/2022 that the impugned order has been passed by the respondent no.2 merely on the perusal of the appeal memo and the documents submitted by the appellants, as the record was not made available to him, in

view of which, since there is no consideration of the material on record, which has led to the passing of the order dated 09/10/2021, the impugned order dated 08/03/2022, passed by the respondent no.2 is hereby quashed and set aside and the matter is remanded back to the respondent no.2 to decide the same after receipt of the record and the documents as well as the material, which has been considered by the respondent no.3 while passing the order dated 09/10/2021. The proceedings be decided by the respondent no.2 afresh within a period of two weeks from today. The copy of this order will be placed by the petitioners before the learned respondent no.2 to make him aware of the present order by 06/05/2022.

3. The criminal writ petition is allowed in the aforesaid terms and disposed of accordingly.

(AVINASH G. GHAROTE, J.)

Wadkar