

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

Criminal Writ Petition No. 302 of 2010

Santosh Shamlal Thapa
Aged – 26 years [U.T. No. 6927]
Central Prison, Nagpur.

... Petitioner

- Versus -

(1) The State of Maharashtra,
through the Deputy Inspector General,
Prisons(E)(R), Nagpur

(2) The Superintendent,
Central Prison, Nagpur.

... Respondents

None for the petitioner
Mr. T. A. Mirza, APP for the State/respondents

**CORAM : ROHIT B. DEO AND
URMILA JOSHI-PHALKE JJ.**

DATED : 10-10-2022

ORAL JUDGMENT (Per : Rohit B. Deo, J.)

This petition was registered on the basis of letter addressed by under-trial prisoner Mr. Santosh Shamlal Thapa alleging that he is falsely implicated in Crime 247/2007 registered in connection with an incident which occurred on 25-6-2007, for offence punishable under Section 302 of the Indian Penal Code. During the course of investigation of Crime 247/2007, the Investigating Officer conducted test identification parade through the Executive Magistrate and

Mr. Santosh Shamlal Thapa was identified by eye witnesses. The grievance of the petitioner, Mr. Santosh Shamlal Thapa was that from 29-5-2007 to 16-8-2007, he was lodged in Central Prison, Nagpur as an accused in Crime 3045/2007, and that he could not have consumably involved in the incident of 25-6-2007.

2. This Court appointed Mr. K. B. Zinzarde, retired District and Sessions Judge to conduct an enquiry. The Enquiry Officer has found that Mr. Santosh Shamlal Thapa was as a fact lodged in Central Prison, Nagpur from 29-5-2007 to 16-8-2007.

3. The State contends that Mr. Santosh Shamlal Thapa did not disclose at any point in time, during the period of arrest or then when he was produced in the Court, that he was lodged in Central Prison from 29-5-2007 to 16-8-2007. Be that as it may, we note that accepting the defence of Mr. Santosh Shamlal Thapa, the learned Sessions Judge has acquitted him in Crime 247/2007.

4. Accepting the enquiry report, we put a quietus to the controversy. Criminal writ petition is disposed of.

(Urmila Joshi-Phalke, J.)

(Rohit B. Deo, J.)