



Judgment

10 wp 159.24

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

CRIMINAL WRIT PETITION NO. 159/2024

Anil Tulshiram Bawankar (C-4755)
aged about 47 yrs., Occ. NA,
R/o. P.O. Kawtha Kadu,
Tah. Chandur Railway, Dist. Amravati.

... **PETITIONER**

VERSUS

Superintendent of Jail,
Central Prison, Amravati,
Tah. & Dist. Amravati.

... **RESPONDENT**

Ms. Ratna Singh, Advocate for petitioner
Mrs. N. Tripathi, APP for respondent-sole.

CORAM : **VINAY JOSHI AND**
MRS. VRUSHALI V. JOSHI, JJ.

DATE : **22.03.2024.**

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

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

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3. This is a writ petition seeking to execute an order passed by the Divisional Commissioner dated 03.01.2024, by which the authority has granted regular parole on account of illness of wife of the petitioner. It is petitioner's urge that though the Divisional Commissioner has passed an order, however respondent i.e. Superintendent of Jail is not executing the order by stating that the petitioner has enjoyed furlough leave.

4. The communication dated 10.03.2024 has been produced on record which indicates that since the period of one and half year from petitioner's earlier return from parole/furlough leave is not over therefore, he cannot be released. The communication discloses that the petitioner was released on furlough leave on 02.11.2023 whilst he returned on due date i.e. on 30.11.2023. The order of parole which is sought to be enforced is passed one month after his return i.e. on 03.06.2024. We are unable to understand as to how a Superintendent of Jail can interpret or assign the reasons for not obeying the order passed by his Superior Officer i.e. Divisional Commissioner. Besides that, in view of the Full Bench Decision of this Court in case of **Kantilal Nandlal Jaiswal Vs. Divisional**

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Commissioner, Nagpur and another, 2019(6) Mh.L.J. 186, the said reason no longer survive.

5. In view of above, petition is allowed. We direct the respondent Superintendent of Jail to execute the order dated 03.01.2024 by imposing suitable conditions within a period two weeks from today.

6. Petition stands disposed of in above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)