

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1310 OF 2015

Apparao S/o Rajaram Pund and Another.. Petitioners

Versus

The State of Maharashtra and Another.. Respondents

Shri N. V. Gaware, Advocate for Petitioners.

Shri D. R. Kale, A. P. P. for Respondents.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

Date : 01ST DECEMBER, 2015.

PER COURT :-

1. Mr. Gaware, the learned counsel submits that, applicants are the senior citizen and convicted for an offence punishable under Section 304 part-I of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 7 years. They have completed the sentence for 4 years and 8 months. They are entitled for pre-mature release as per Government Resolution dated 10.01.2006. The learned counsel on instructions submits that, applicants have also given the representation for their early release. They have also been referred to the Medical Board for check up.

2. We have heard the learned A. P. P. also.

3. Reading the Government Resolution dated 10.01.2006 it is manifest that, there are certain conditions which are required to be satisfied before the benefit are granted of the Government Resolution. It is for the Authorities to consider the same. As submitted by the petitioners, even they have been referred to the Medical Board.

4. The Authorities would take decision on their representation expeditiously on its own merits, in accordance with law and preferably within four (4) months. In case there is no such representation with the Authorities the petitioners shall file the said representation immediately.

5. Criminal writ petition disposed of.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

sam/Dec. 15