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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.236/2016

Santosh Mahadeo Erande (C-4282),
age 35 yrs., Open District Prison,
Tq.Paithan Dist.Aurangabad.

...Petitioner..

Versus

The State of Maharashtra.

...Respondent...

.....

Shri Umakant Patil, Advocate appointed for petitioner.
Shri M.M. Nerlikar, APP for respondent.

.....

**CORAM: R.M. BORDE &
K.L. WADANE, JJ.**

DATE: 12.04.2016

ORDER :

1] Rule. Rule made returnable forthwith and heard finally with the consent of learned counsel for the parties.

2] The petitioner is a life convict, who is undergoing sentence of imprisonment and is lodged at Yerwada Prison, Pune. The petitioner has undergone

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actual period of imprisonment of 15 years, 7 months and 4 days, whereas he was under-trial prisoner for 1 year, 9 months and 15 days. The remission applicable to the case of the petitioner is 9 years, 6 months and 1 day. The petitioner has undergone the total imprisonment including the period of remission to the extent of 25 years, 1 month and 5 days. On consideration of nature of offence and the allegations leveled against the petitioner, he has been categorized as Category 2(c) prisoner and is required to undergo imprisonment including the period of set-off to the extent of 26 years. The aforesaid categorization has been recommended by the Inspector General of Prisons. The State Government, however, is expected to consider the facts of this case and categorize the prisoner in an appropriate category and prescribe the period of imprisonment required to be undergone by the prisoner.

3] In the instant matter, it is informed by the learned APP appearing for the State that the papers have already been transmitted to the State Government together with proposal and appropriate decision has to be taken by the State Government.

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4] In these circumstances, we dispose of this petition with a direction to the State Government to take decision on the proposal for release of the petitioner as expeditiously as possible and preferably within a period of eight weeks from today. Rule is made absolute accordingly.

5] Shri Umakant Patil, learned counsel appointed to assist the Court, shall be paid legal remuneration of Rs.5,000/-. Shri Patil states that he is not interested in claiming the amount and the said amount shall be directed to be transferred to the account of library of High Court Bar Association. The Registry is directed to transfer the said amount to the library account of High Court Bar Association at Aurangabad.

(K.L. WADANE, J.)

(R.M. BORDE, J.)