

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

CRIMINAL WRIT PETITION NO.909 OF 2016

Harshal s/o. Suresh Ravate,
Age : Major, Occ. Convict No.4800,
At present:Prisoner (Open Prison)
at Paithan, Dist. Aurangabad ..Petitioner

Vs.

The State of Maharashtra
and ors. ..Respondents

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Mr.D.M.Hange, Advocate for petitioner

Mr.K.S.Patil, APP for respondents

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : OCTOBER 07, 2016**

PER COURT :

Heard the learned Counsel appearing for
the petitioner and the learned A.P.P. appearing
for the respondents.

2. Perused the prayers made in the petition,
the reply filed by the respondents and the
judgment of the Hon'ble Supreme Court in the case

of **Sangeet and anr. Vs. State of Haryana in Criminal Appeal Nos.490-491 of 2011 delivered on 20.11.2012** and in particular, paragraph 74 thereof.

3. The petitioner in this petition seeks direction to the respondents to change the Rules laid down in the Circular dated 02.08.2004 issued by the Home Department, Government of Maharashtra, Mantralaya, Mumbai for pre-mature release of the prisoners, who have completed 14 years of imprisonment. In our opinion, change of such Rules would be within the domain of the Legislature/ Executive and therefore, the relief sought by the present petitioner cannot be granted by this Court.

4. In that view of the matter, for the aforementioned reasons, the Writ Petition stands dismissed.

5. Since Mr.Hange, learned Counsel is appointed as an amicus curiae to prosecute the cause of the petitioner, his fees be paid as per the schedule of fees maintained by the High Court Legal Services Sub-Committee, Aurangabad.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]

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