

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

**CRIMINAL WRIT PETITIOIN NO. 1518 OF 2015**

Rafiq Babu Shaikh

... **Petitioner**

**VERSUS**

The State of Maharashtra

... **Respondent**

.....

None for the petitioner.

Mr K. S. Patil, APP for respondent/State

.....

CORAM : **A. V. NIRGUDE &  
INDIRA K. JAIN, JJ.**

DATE : **9<sup>TH</sup> FEBRUARY, 2016.**

**PER COURT:**

. The respondent/State of Maharashtra has filed affidavit of Superintendent, Open Dist. Prison, Paithan, Dist. Aurangabad, in which it is indicated that, it is the State Government which is the final authority to take decision on remission of sentence. The respondent also stated as to how the Government would use its authority and discretion under Section 432 of Code of Criminal Procedure in this case. He also placed reliance on certain categorization made of the types of offence committed. He however indicated that the final decision is yet not taken. The case of the petitioner is pending for consideration before the competent authority. In view of this, the

petition appears to be premature in nature. Hence, the petition stands disposed of.

2. The petitioner, who is in prison, be communicated about this order.

**[ INDIRA K. JAIN ]**  
**JUDGE**

**[ A. V. NIRGUDE ]**  
**JUDGE**

sgp