

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

CRIMINAL WRIT PETITION NO. 575 OF 2016

(SATYANARAYAN JAGDISHPRASAD AGRAWAL..VS..STATE OF MAH. THR. A.D.G. OF POLICE & 2
OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.S.Lambat, Advocate (Appointed) for Petitioner.
Shri A.D.Sonak, A.P.P. for Respondents.

CORAM : B.P.DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : NOVEMBER 25, 2016.

Heard.

Perused the reply as also the provisions of Rule 12
of the Maharashtra Prisons (Remission System) Rules, 1962.

The petitioner claims additional remission on
account of good conduct. From language of Rule 12 of the
Rules, it appears that such remission is granted annually.

In present matter, there is no order either
rejecting it or then pointing out ineligibility of the petitioner
to the same. However, in the reply affidavit the State
Government has submitted that though the petitioner was
selected for forwarding him to Open Colony vide order dated
29/11/2011, as his sentence was not suspended by this Court
under Section 401 of the Code of Criminal Procedure, he
could not be sent to Open Colony. As he has not been sent to
Open Colony he is not entitled to annual good conduct
remission.

The learned A.P.P. is seeking time to place on record necessary policy decision.

As there is no rejection of request of the petitioner, the interests of justice would be served by directing the respondent to consider the entitlement of the petitioner in terms of Rule 12 of the the Maharashtra Prisons (Remission System) Rules, 1962 at the earliest.

With this direction and keeping all the rival contentions open, the writ petition is disposed of.

The charges of the counsel appointed are fixed at Rs.One Thousand and Five Hundred only.

JUDGE

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