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

**CONTEMPT PETITION NO. 52 OF 2018
IN
CRIMINAL WRIT PETITION NO. 1293 OF 2017**

Jafar s/o Abdul Haq Shaikh,
Age: 57 years, Occu: Prisoner convict No. C-7682,
Central Prison, Harsool,
Tq. & Dist. Aurangabad

..PETITIONER

VERSUS

1. K. Subramanyam,
Principal Secretary,
Home Department, Mantralaya,
Mumbai-32
2. Bhushan Kumar Upadhya,
Inspector General of Police (Prison),
Maharashtra State, Pune
3. Rejendra Dhamane,
Deputy Inspector General of Police (Prison),
Central Prison, Harsool,
Tq. & Dist. Aurangabad
4. Bapurao Ramrao More,
Superintendent of Prison,
Central Prison, Harsool,
Tq. & Dist. Aurangabad

..RESPONDENTS

Mr M. S. Choudhary, Advocate for petitioner;
Mr D. R. Kale, A.P.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
SMT. VIBHA KANKANWADI, JJ.**

DATE : 21st March, 2018

(2)

ORAL ORDER:

Heard learned Counsel appearing for the petitioner.

2. It was submitted by the Counsel for the petitioner that inspite of the order passed by the Division Bench of this Court on 24th November, 2017 in Writ Petition No.1293 of 2017, thereby directing the respondents-authorities to release the petitioner on furlough subject to the compliance of procedural formalities, the order of this Court was not implemented.

3. The learned Addl. Public Prosecutor, on instructions, submitted that that the order of this Court was subject matter of challenge before the Honourable Apex Court. He submits that the State has preferred appeal in special leave petition and it was pending before the Apex Court for consideration and resultantly writ petition is decided and leave petition filed by the State is dismissed by order of Honourable Apex Court dated 12th March, 2018. The learned Addl. Public Prosecutor then submits that in view of the dismissal of special leave petition, immediately the action is taken to comply the order of this Court. He submits that fresh orders of release of petitioner would be passed within ten days from today. The learned Addl. Public Prosecutor submitted that there was no willful disobedience of the order of this Court on the part of the authorities but the authorities only availing legal remedies, namely, approaching Honourable Apex Court by filing special leave petition.

(3)

4. In view of this statement of the learned Addl. Public Prosecutor, we are of the opinion that there is no willful disobedience of the order of this Court and ultimately statement is made before this Court that fresh orders would be passed within 10 days from today, we accept the statement of learned Addl. Public Prosecutor and record the same. The grievance of the petitioner which was in the petition for his release is now redressed.

In view of above referred facts, the petition is disposed of.

(SMT. VIBHA KANKANWADI, J.)

(PRASANNA B. VARALE, J.)

sjk