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

**CONTEMPT PETITION NO.122 OF 2018
IN
CRIMINAL WRIT PETITION NO.13454 OF 2017**

Ashrabai w/o Banshi Ghumare
(C-7691) Central Prison,
Aurangabad.

..PETITIONER

VERSUS

1. Bapu s/o Ramrao More,
Superintendent Central Prison,
Aurangabad.

2. Sandeep Kamble,
The State of Maharashtra,
Through Secretary Home
Department, Mantralaya,
Mumbai-32.

..RESPONDENTS

Mr R.P. Jaiswal, Advocate for petitioner;
Mr S.W. Munde, A.P.P. for respondent/State

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

DATE : 28th FEBRUARY, 2018

ORAL ORDER :

Heard learned Counsel appearing for the
petitioner.

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2. The grievance of the petitioner is that though by order dated 26th September, 2017 Division Bench of this Court in Criminal Writ Petition No. 1345 of 2017 issued the directions to the State authorities, the directions are not complied with and it is a wilful disobedience of the order of the Court.

3. Learned Counsel for the petitioner invited our attention to the order of this Court dated 26th September, 2017. The petitioner placing reliance on the Government Resolution dated 10th January, 2006 prays for premature release. The submission was, the petitioner is a convict of more than 60 years of age and she is entitled to avail benefit of the Government Resolution dated 10th January, 2006.

4. In view of submission made by learned A.P.P. that grievance of the premature release would be considered by the authorities and decision would be taken as expeditiously as possible and

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preferably within six weeks from the date of order and in view of contention that the petitioner is a lady of 65 years of age, this Court directed the respondents-authorities to refer the petitioner to medical committee in view of Government Resolution dated 10th January, 2006 in case there is doubt about the age of the petitioner.

5. Learned A.P.P. placed on record the report of the authorities namely Incharge Superintendent, Central Prison, Aurangabad. The report is taken on record and marked 'X' for identification. It is stated in the report that though the petitioner is a convict of more than 60 years of age, the benefit under Government Resolution dated 10th January, 2006 can be availed subject to conditions and first condition of the Government Resolution is, the convicts undergoing sentence of life imprisonment must complete term of sentence of actual 14 years. It is stated in the report that the petitioner has not completed actual imprisonment of 14 years so as to grant benefit of the above mentioned resolution, as such, the claim of the petitioner for her

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premature release cannot be considered.

6. Though there is a delay in taking decision, learned A.P.P., on instructions, submits that delay was caused due to unintentional and for bonafide reasons namely verifying the record. Learned A.P.P. submits that respondents-authorities tendered unconditional apology for delay.

7. Considering factual aspects namely the petitioner is not entitled for the benefit of premature release as she is not complying with the prerequisite condition of Government Resolution dated 10th January, 2006 and by accepting apology for delay, we are disposing of the contempt petition. We make it clear that if the petitioner is having any grievance of the decision, the petitioner is at liberty to avail appropriate remedies if so advised.

(SMT. VIBHA V. KANKANWADI)
JUDGE

(PRASANNA B. VARALE)
JUDGE