

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 127 OF 2018

Hanumant Venkat Kadam,
(C-4657),
Open Prison Paithan.

...Petitioner

Versus

1) Sandeep Kamble,
Secretary Home Department,
Mantralaya, Mumbai -32.

2) Sachin Ramesh Salave,
Superintendent Open Prison,
Paithan.

...Respondents

Mr. Rupesh A. Jaiswal, Advocate for petitioner.

Mr. S. W. Mundhe, Addl. Public Prosecutor, for respondents/
State.

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

DATE : 06-03-2018.

PER COURT :

1. Heard Mr. R. A. Jaiswal, the learned counsel appearing for petitioner.

2. The grievance of the petitioner in the present petition is that, though by the order of this Court dated 7th February, 2018 in Criminal Writ Petition No. 906 of 2007, the respondent authorities

were directed to release the petitioner, the petitioner was not released for a considerable period and the delay caused in release of the petitioner was an act of willful disobedience on the part of the respondent authorities.

3. By order dated 20th February 2018 we granted time to the learned Addl. Public Prosecutor to file reply to the petition. The reply is filed and placed on record today. The respondent No.1 Mr. Sandip Shamrao Kamble, Under Secretary to the Government of Maharashtra in Home Department Mantralaya, is also present before this Court. In the detailed reply it is submitted that, as soon the order passed by this Court is communicated to the respondent No.1 through the office of respondent No.2, all the necessary steps were taken such as forwarding the proposal to the competent authorities. It is also stated in the reply that meantime there was a public holiday namely a Sunday, as such it caused some delay. It is also stated that, there was some lapse on the part of the petitioner convict in respect of depositing the fine amount and the petitioner convict submitted an application to the authorities making a prayer therein that the amount of fine be deducted from the amount of wages earned by him. Certain steps were taken in compliance to that effect. It is submitted that, ultimately the necessary orders were passed and the petitioner was released from the prison in view of the directions of this Court. The reply refers to the grounds of

delay at paragraphs No.7 to 9. The respondent Mr. Sandip Kamble is present in this court and presently working as Under Secretary to the Government of Maharashtra and he has tendered unconditional apology for the delay caused. He also assures to this Court that, in future required steps would be taken at the earliest and the orders of this Court would be followed scrupulously without any delay. The respondent No.2 also tendered his unconditional apology through the learned Addl.Public Prosecutor.

4. In view of the reply filed by the authorities, we are of the opinion that though there is a delay in complying the order of this Court, the delay is not an intentional delay but for some administrative difficulties. Considering this facts that the delay is not an act of willful disobedience act but an act of the administrative exigencies, we are of the opinion that the petition is not required to be entertained. We are accepting the unconditional apology and assurance given to this court by the respondents, and disposing the contempt petition.

(SMT. VIBHA KANKANWADI)
JUDGE

(PRASANNA B. VARALE)
JUDGE

vjg/-.