

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 187 OF 2018

Rajebhau s/o Nagorao Solunke (C-4582),
Open Prison, Paithan.
And other (01)

...Petitioners

Versus

Sachin Ramesh Salave,
Superintendent, Open Prison, Paithan.
And other (01)

...Respondents

Mr. S. S. Londhe, Advocate holding for Mr. R. A. Jaiswal,
Advocate for the petitioners.
Mr. S. W. Munde, Addl. Public Prosecutor, for respondents/
State.

**CORAM : PRASANNA B. VARALE &
SMT. VIBHA KANKANWADI.JJ.
DATE : 11-04-2018.**

PER COURT :

1. Heard the learned advocate appearing for the petitioner. By the present petition the grievance of the petition raised before this Court was of a willful disobedience of the order passed by this Court dated 11th December, 2017. By order dated 11th December, 2017 the Division bench of this Court directed the respondent authority to take decision on the proposal of petitioner for premature release as expeditiously as possible and in any case within eight weeks from the date of the order.

2. The submission before this Court was, in spite of sufficient lapse of the period, no decision is taken by the authorities. The petition was filed on 09th March 2018.

3. The learned Addl. Public Prosecutor on instruction submits before is that, by order dated 07th April 2018 the petitioner is directed to be released. The communication is also forwarded to the Superintendent of Prison, Paithan Dist. Aurangabad, by the Additional Secretary Home Department with an intimation of the order. The grievance thus is now redressed. The fact is the order is passed after the stipulation of period directed by this Court. The learned Addl. Public Prosecutor submits that, due to certain technical difficulties namely delay in collection of the material record so as to take an appropriate decision, the order could not be passed within the stipulated period.

4. On a specific query put to the learned Addl. Public Prosecutor, whether the State Government is taking assistance of the modern technology so as to decide the cases of premature release of the convicts e.g. adopting a course of digitalization. The learned Addl. Public Prosecutor on instruction submitted before us that, the process is going on .

5. He submits that, there are certain difficulties namely the

shortage of the experts in the field, shortage of the space for storage of digitalised record and shortage of the finances. Now all these difficulties, the State Government itself can take steps to remove them as the record which is already available with the prison authorities, it can be made available for digitalisation. The Assistance of the expert can be taken by the State of Maharashtra as at every district places the District Collectorate is supported with the digital mode having access to National Informatics Centre and needless to state that if there is will and wish of the State Government, then there cannot be any impediment for the State Government to see that appropriate allocation of fund is made available for the various projects under digitalisation.

6. We are constrained to make above observations for the reason that, on one hand the State Government making an attempt of a promotion of adopting the modern modes namely the digitalization by issuing various directions to the other departments and if it is so the State Government can certainly undertake this exercise for Home Department, which can deal with the cases of the premature release of the convict prisoners.

7. We direct the Inspector of General Prison of State of Maharashtra to personally look into the matter and take all appropriate steps so that if the process is going on may get a proper

pace and speed and if the process is not yet initiated, he shall endeavour to see that the process is initiated at the earlier stage.

8. Insofar as prayer for action for contempt is concerned as the order of this court is complied with, the contempt petition is disposed of with the above the referred observations.

9. The learned Addl. Public Prosecutor to forwards this copy to the Inspector General of Prisons of State of Maharashtra and he should personally apprise to Inspector General of Prisons of State about directions of this Court.

10. Parties to act upon an authenticated copy of this Court.

(SMT. VIBHA KANKANWADI)
JUDGE

(PRASANNA B. VARALE)
JUDGE

vjg/-.