

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

CRIMINAL WRIT PETITION NO.1109 OF 2017

[Chaitu Irpa Vadde .vs. State of Maharashtra and one]

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

Court's or Judge's orders

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Ms. S.H. Bhatia, Advocate (Appointed) for petitioner,
Shri A.D. Sonak, APP for respondents-State.

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CORAM : P.N. DESHMUKH AND
MRS. SWAPNA JOSHI, JJ.

DATED : OCTOBER 15, 2018.

Learned A.P.P. makes a statement that petitioner's proposal for his premature release is rejected by the State Government.

Learned counsel for petitioner, by referring to prayer clause (i) in the petition, submits that his prayer for transferring him to Open Prison does not sustain as petitioner is admittedly convicted for the offence punishable under the provisions of TADA Act and as such said relief cannot be granted in favour of petitioner. Prayer clause (ii) of the petition is connected to prayer clause (i), as according to said clause, petitioner has prayed for grant of benefits to him if transferred to Open Prison. However, since his prayer clause (i) for transferring to Open Prison is not found tenable and rejected, subsequent prayer is infructuous.

So far prayer clause (iii) of the petition is considered the same is for categorization as per rules, however, in view of statement made by learned APP of petitioner's proposal for his premature release by the State Government having been rejected, petition is liable to be dismissed having no substance. Accordingly, the petition is dismissed being infructuous with liberty in favour of

petitioner to take appropriate steps as available under law, against rejection of his proposal for premature release by the State Government.

Fees of the learned counsel appointed on behalf of the petitioner are quantified at Rs.1500/-.

JUDGE

JUDGE

Gulande