

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.51 OF 2018
(Through jail)**

Maqbul Najir Hawaldar : Petitioner.
Versus
The Stae of Maharashtra and ors. : Respondents.

Through jail.
Mr. Arfan Sait, APP, for the Respondent/State.

**CORAM : A.S.OKA &
A.S.GADKARI, JJ**
DATE : 21st January 2019

P.C.

1 Perused the Petition received through jail. The Petitioner is challenging the order dated 22nd August 2017 by which the Divisional Commissioner, Pune Division, Pune rejected the application of the Petitioner for grant of parole. The order itself records that the Appeal is maintainable against the order of Divisional Commissioner before the State Government.

2 The learned APP appearing for the Respondent/State pointed out that such an Appeal has not been preferred by the Petitioner.

3 Hence, we dispose of the Petition by passing the following order:-

- (i) We direct the State Government to treat this Writ Petition as an Appeal as against the order dated 22nd August 2017.

- (ii) Accordingly a copy of this Writ Petition along with this order shall be forwarded to the concerned authority of the State which is empowered to exercise the appellate powers;
- (iii) The said authority shall decide the Appeal as expeditiously as possible and in event within a period of one month from the date of this order is uploaded;
- (iv) The Writ Petition is disposed of in the above terms;
- (v) A copy of this order shall be forwarded to the Petitioner through the concerned Jail Superintendent.

[A.S.GADKARI, J]

[A.S.OKA, J]