

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 453 OF 2019**

Mohammed Majid Mohammed Shafi

.....Petitioner

Vs.

The State of Maharashtra & Ors.

....Respondents.

Ms. Farhana Shah for the Petitioner.

Mr. Deepak Thakare, PP a/w Ms. P.P. Shinde, APP for the Respondent-State.

**CORAM : A. S. OKA, AND
A. S. GADKARI, JJ.**

DATE : 1st MARCH, 2019.

P.C.:-

For the reasons separately recorded in the Oral Judgment,
we pass the following Order-

- a) We quash and set aside the impugned Order dated 6th February, 2019 as modified by the Order dated 12th February, 2019 and direct the Appellate Authority to immediately decide the Appeal preferred by the Petitioner. The Appeal shall be decided within a period of 10 days from the date on which the operative part of this Order is uploaded.

The office of the Public Prosecutor shall immediately communicate this Order to the Appellate Authority, without waiting even for the operative part to be uploaded;

- b) We direct the office of the Public Prosecutor to place a copy of this Judgment and Order before the Additional Chief Secretary (Home Department) to enable the State to take appropriate decision in terms of what is held in this Judgment and Order;
- c) Appropriate Order shall be passed by the State Government or appropriate Government Resolution shall be issued by the State Government within a period of three weeks from the date on which a complete copy of this Judgment and Order is uploaded;
- d) Though we are disposing of the Petition, we direct the State Government to file an Affidavit of compliance on or before 5th April, 2019 and for considering the affidavit of compliance, the Petition shall be listed under the caption of “*direction*” on 9th

April, 2019;

- e) Needless to add that as held earlier, the Appellate Authority will himself apply its mind to the Appeal and will pass an Order in Appeal by recording brief reasons;
- f) We also direct the State Government to incorporate in the Order to be passed or policy decision to be taken that whenever Appeals under the said Rules of 1959 are decided, copies of the Orders passed in the Appeals shall be forthwith provided to the concerned prisoners through the Jail Superintendents of the concerned Jails;
- g) Rule is made absolute in the above terms.

(A.S. GADKARI, J.)

(A.S. OKA, J.)