

WRIT PETITION NO. 606 OF 2019

The State of Maharashtra ...Respondent.

**CORAM : B.P.DHARMADHIKARI &
MRS. SWAPNA S. JOSHI, JJ.
DATE : 06th June, 2019**

1. Heard respective counsel. Learned counsel (appointed) submits that without deciding age of petitioner impugned order denying him benefit of remission has been passed. Learned APP states that remission is allowed to prisoners who are infirm or unwell provided they have completed 65 years of age. Burden was upon the petitioner to prove the age and other ingredients. She invites our attention to Circular dated 10.1.2006 to show that convicts like present petitioner under NDPS Act are excluded from its operation.

2. During argument we find that policy decision of State Govt. dated 10.1.2006 is not in dispute. As per that decision remission cannot be given to convicts under NDPS Act. Here the petitioner has been convicted under Section 8(C) read with Section 22(C), 29 and 31 of the NDPS Act. Apparently circular is not applicable to him.

Hence, rejected.

(MRS. SWAPNA S. JOSHI, J.)

(B.P.DHARMADHIKARI, J.)