

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

CRIMINAL WRIT PETITION NO.848/2018

Bandu s/o Pannalal Punekar,
Convict No.9538,
At present detained in Central Prison,
Nagpur.

..PETITIONER

--Versus --

1. Special Superintendent of Police
Prison and Reform, Maharashtra State,
Pune-1.

2. Superintendent of Police,
Nagpur Central Jail, Nagpur.

RESPONDENTS

Shri G.S.Umale, Advocate (appointed) for petitioner.
Mrs. Kalyani Deshpande, APP for respondents.

**CORAM : S.B.SHUKRE and
S.M.MODAK, JJ.**

DATED : 20.02.2019

ORAL JUDGMENT (Per S.B.Shukre, J.)

1. Rule. Rule made returnable forthwith. Heard finally by consent of
learned counsel for the parties.

2. On going through the impugned order/communication dated

29.07.2017, we find that it is not the case that everything has come to an end for the petitioner, since the authorities have not yet decided to never consider the case of the petitioner for grant of remission to him. On the contrary, this order shows that after the 2013 seniority list is exhausted, new seniority list would be prepared and at that time, the case of the petitioner would be considered a fresh. Of course, there is another clause in the order. According to it, the criminal case initiated under Section 224 of the Indian Penal Code was then pending, but now this ground no more exists as the criminal case has been concluded and in that case, the petitioner has been acquitted.

3. The facts so discussed, would show that now the case of the petitioner could be considered on its own merits afresh by the concerned authorities and pendency of the criminal case would not be stand as any impediment in taking a decision in accordance with law.

4. In that view of the matter, we find that issuance of necessary directions to the respondents would serve the purpose of the petitioner. Thus, the respondents are directed to consider the case of the petitioner afresh in accordance with law and after exhaustion of 2013 seniority list and while considering the case of the petitioner afresh, the respondents are further directed to ignore other ground of pendency of the criminal case under Section 224 of the

Indian Penal Code as that case has already concluded.

5. The petition is disposed of accordingly and the rule is made absolute in the above terms.

6. Rs. 3,000/- be paid to the learned appointed counsel for petitioner as a remuneration.

JUDGE

JUDGE

Andurkar..