

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

**CRIMINAL APPLICATION NO.542 OF 2018
AND
WRIT PETITION NO.4339 OF 2018**

Gangaram Magan Chavan

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Sushil A. Inamdar for the Applicant.

Dr. F. R. Shaikh, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.
DATE : 3/2/2020.**

PC.:

1. Heard learned counsel (appointed) for the Applicant and learned APP for the Respondent/State.

2. In this petition the petitioner states that he has been shifted back to regular prison from open prison because of misconduct on his part and that misconduct should be condoned. Request is to shift him back to open prison.

3. In Criminal Application, the prayer is to grant benefit of remission as per remission scheme floated on the eve of 125th Birth Anniversary of Dr. Babasaheb Ambedkar.

4. Learned APP states that his request for remission has been processed as per law and appraisal report of convicting Court is awaited.

5. We direct the convicting Court to expedite action and to forward its report within a period of 4 weeks from the date of communication of this order to it. The Competent Authority shall thereafter proceed further and take suitable decision in accordance with law.

6. Insofar as the prayer of prisoner to send him to open prison by condoning the misconduct is concerned, alleged misconduct has been committed sometime in the year 2017-18. We therefore direct authorities to consider his request in accordance with law and find out whether he can be shifted back to open prison. This decision shall be taken within a period of 8 weeks from the date of receipt of this order by the said authority.

7. With this direction we dispose of the petition as also the application.

8. Order be communicated to the prisoner in jail.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)