

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

942 CRIMINAL WRIT PETITION NO.1093 OF 2019

ARUN @ AJAY @ SHENDYA S/O. DADARAO BHALERAO
VERSUS
THE COMMISSIONER OF POLICE, AURANGABAD AND OTHERS

Ms. Sharda P. Chate, Advocate for petitioner
Mr G.O. Wattamwar, A.P.P. for respondents no.1 to 3

**CORAM : V.K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 25th August 2021

PER COURT :

1. Heard both the sides.
2. The learned A.P.P. has submitted before us the report in writing from the Superintendent of District Prison, Aurangabad. The said report is taken on record and marked "X" for identification.
3. On perusal of the report it reveals that as per Order No.1411/2019 dated 30.3.2019, the detention period of the petitioner was from 30.3.2019 to 29.3.2020.
4. The learned A.P.P. submits that after the detention period was over, the petitioner was kept in jail in connection with Crime No.92 of 2019, registered against him under Section 4/25 of the Indian Arms Act. The petitioner came to be released from jail in connection with the said Crime No.92 of 2019 under the orders of the Court vide No.1428/2020 dated 3.4.2020. The petitioner came to be released on 4.4.2020. The learned A.P.P. submits that the learned Counsel for the petitioner has hastily made the statement without verifying the same. The learned A.P.P. submits that the Counsel representing the petitioner should have made a responsible statement before the Court.

5. We have carefully gone through the report submitted by the Superintendent of District Prison, Aurangabad. It appears that the detention period was over on 29.3.2020 and though the petitioner was required to be released from the jail forthwith, as the detention period was over, he was further detained as an under trial prisoner in connection with Crime No.92 of 2019. However, under the orders of the Court vide order dated 1428/2020, the petitioner came to be released from the jail in connection with Crime No.92 of 2019 on 4.4.2020. His application for bail was allowed in connection with the said Crime No.92 of 2019 and under the orders of the Court, the petitioner came to be released from the jail. It thus appears that the learned Counsel for the petitioner has inadvertently made a statement on the basis of some incomplete instructions.

6. Let it be as it is, as the detention period is over long back, this Criminal Writ Petition has become infructuous.

7. Criminal Writ Petition is accordingly disposed of as infructuous.

(SHRIKANT D. KULKARNI, J.)

(V.K. JADHAV, J.)

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