

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

CRIMINAL WRIT PETITION NO.245/2020

Firoz Kha Akbar Kha Pathan .vs. State of Maharashtra and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A. A. Pannase, Advocate appointed for petitioner.
Mrs. N. Tripathi with Mr. S.M. Ghodeswar, A.P.P. for
respondents.

CORAM : V.M. DESHPANDE AND AMIT B. BORKAR, JJ.

DATED : JUNE 16, 2021

Heard Mr. Pannase, learned counsel for petitioner appointed through High Court Legal Services Sub Committee, Nagpur and Mrs.Tripathi with Mr.Ghodeswar, learned A.P.P. for respondents-State. Also perused the reply filed on behalf of the State.

On 03.03.2021, notice for final disposal at admission stage was issued by this Court. Pursuant to the notice, the State has filed detailed reply. By this writ petition, the petitioner is seeking a direction against respondent no.2 that three months remission of punishment be granted to the petitioner as per Government Circular dated 03.06.2017 on the occasion of 125th Birth Anniversary of Late Dr. Babasaheb Ambedkar, which is declared as *Samata Varsha*. Who shall not be entitled to the remission is mentioned in resolution dated 03.06.2017. Clause (vi) of said circular reads as under:

“vi. अनधिकृतपणे कारागृहाबाहेर असलेले शिक्षाधीन बंदी.”

The State has filed reply, giving a chart showing that when the petitioner, on various dates, was released either on furlough or parole, on most of the occasions, he has not surrendered back on due dates.

Thus, in view of clause (vi), the petitioner is not entitled to claim any benefit under the said resolution. Consequently, the petitioner is also not entitled to claim any relief in this petition.

The writ petition is, therefore, rejected.

Mr. Pannase, learned counsel appointed for the petitioner through High Court Legal Service Sub Committee, Nagpur is entitled to professional charges and we quantify it at Rs.1500/-.

JUDGE

JUDGE