

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR**

CRIMINAL WRIT PETITION NO.516 OF 2021

Shiv Kisanlal Katre,
Aged 42 years,
At present Central Jail of Nagpur.
Kaidi No.6656.

..

Petitioner

.. Versus.

Superintendent Central Prison,
Central Jail, Nagpur.

..

Respondent

Mr. S.M. Thakre, Advocate for the petitioner,
Ms. N.R. Tripathi, APP for the respondent.

**Coram: M.S. Sonak and
Pushpa V. Ganediwala, JJ.**

Date: 20th October 2021.

P.C.:-

Heard Shri S.M. Thakre, the learned counsel appointed under the legal aid scheme on behalf of the petitioner and Ms. N.R. Tripathi, the learned Additional Public Prosecutor for the respondent-State.

2. The petitioner claims to have completed 15 years of incarceration based on his conviction for the offenses punishable under Sections 302 and 506 (B) of the Indian Penal Code. By this petition, the petitioner seeks his premature release.

3. Ms. N.R. Tripathi, the learned Additional Public Prosecutor, points out

that the case of the petitioner is pending consideration before the State Government.

4. Having regard to the various provisions of the Code of Criminal Procedure, as also the rules and the guidelines made for premature release of convicts, according to us, it is only appropriate that that concerned authorities first apply their mind to the case of the petitioner for his premature release. Accordingly, the concerned authorities/State Government before whom the case of the petitioner is pending are directed to decide this matter in accord with law one way or the other as expeditiously as possible and in any case within three months from today.

5. Needless to add that if the decision is not in favor of the petitioner, such decision is to be communicated to the petitioner within this period of three months. The petitioner will then have the right to take out appropriate proceedings to question the same.

6. If for any reason, there is any shortcoming in the representation made by the petitioner, then the concerned authorities to consider this very petition as the representation on behalf of the petitioner and to take appropriate decision within the aforesaid period of three months. The Registry to communicate this order to the petitioner.

7. In this case, the learned counsel for the petitioner was appointed to appear on behalf of the petitioner under the legal aid scheme. Accordingly, we quantify fees payable to the learned counsel for the petitioner at Rs.2,000/-. This is in addition to the gratitude which we express to him for his services.

8. This Petition is disposed of with the aforesaid directions and liberty.

Pushpa V. Ganediwala, J.

M.S. Sonak, J.