

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

CRIMINAL WRIT PETITION NO. 824 OF 2019

Saher Aalam Kha Mushir Aalam Kha,
Aged adult, R/o at: (presently at Central Prison,
Amravati (C-867). **.....PETITIONER**

...VERSUS...

- 1) The State of Maharashtra,
Through Secretary, Home Department,
Mantralaya, Mumbai.
- 2) The Superintendent,
Central Prison, Amravati.
- 3) The Dy. Inspector General of
Prison (Easter Region), Nagpur.
- 4) The Additional Director General of
Police & Inspector General of Prison
& Correctional Services,
State of Maharashtra, Pune.

...RESPONDENTS

Mr. D. S. Lambat, Advocate appointed for petitioner.
Mr. S. M. Ghodeswar, A.P.P. for respondents.

CORAM:- V. M. DESHPANDE AND
ANIL S. KILOR, JJ.
DATED :- JANUARY 9, 2021.

ORAL JUDGMENT (Per : V. M. Deshpande, J.)

1. Rule. Rule is made returnable forthwith. Heard
Mr.Lambat, learned counsel appointed for petitioner and
Mr.Ghodeswar, learned A.P.P. for respondents.

2. Mr. Lambat, learned counsel for petitioner invited our attention to prayer clause of the writ petition, which reads thus:

“(i) direct the respondents to release immediately from prison as he had completed 14 years of actual imprisonment, be released forthwith.

(ii) direct the Respondents to take a decision thereon and when the petitioner completes the period of imprisonment with remission as stated in the Guidelines, he would be released from the prison.

(iii) Grant any other relief which this Hon’ble Court deems fit and proper in the facts and circumstances of the case.”

3. Mr. Ghodeswar, learned A.P.P. for respondents, submits that respondent-State has filed its reply. Paragraph 5 of the reply reads thus:

“5. It is submitted that the proposal of premature release was submitted to the upper inspector of General prisons and correctional services Maharashtra State Pune vide letter dated 08.06.2018 and same was forwarded to the state government through Inspector of General of Police and same was awaited. The copy of government letter dated 11.05.1992.”

Learned A.P.P. submits that as on today, Government has not taken any decision in respect of categorization of the petitioner.

4. In that view of the matter, we pass the following order.

ORDER

- (i) The writ petition is partly allowed.
- (ii) The respondents-State authorities are directed to take appropriate decision in respect of categorization of petitioner within a period of three months from the date of receipt of this order, in respect of the proposal which is pending with them.
- (iii) Mr. Lambat, learned counsel for petitioner, appointed through High Court Legal Services Sub Committee, Nagpur shall be entitled to receive Rs.2500/- as his professional charges.

Rule is made absolute in the above terms.

JUDGE

JUDGE

kahale

**Yogesh
Kahale**

Digitally signed
by Yogesh
Kahale
Date:
2021.01.09
16:35:49 +0530