

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1780 OF 2017

Baig Salim Abdul Razzak ... Petitioner
Vs.
Superintendent, Kolhapur Central Prison ... Respondent

None for Petitioner.
Ms. S. D. Shinde, APP for Respondent-State.

**CORAM : S. S. SHINDE &
MILIND N. JADHAV, JJ.**

DATE : JUNE 15, 2022

P.C. :

. By way of filing this petition, the petitioner has prayed for the following reliefs:-

- “A.a) That the said Habeas Corpus Petition may be admitted by this Hon’ble Court;
- B.b) That this Hon’ble Court may be pleased to consider the above craves leave for discharging petitioner in C/R.No.248/2013. Considering that petitioner is detained in said case from more than two years; without trial and be also issue appropriate directions to the Superintendent Kolhapur Central Prison to release petitioner in C/R.No.248/2013 arising out Byculla Police Station-Mumbai.
- C.c) That the recording and proceeding may be expeditely called.
- D.d) That any other further relief as this Hon’ble Court may deem fit proper and reasonable.”

. In addition to above, the petitioner has prayed for including his name in the Remission Register.

2. It appears that when the petitioner was released on furlough, he reported back to the jail within time. However, when he was released on parole, he overstayed for 338 days over and above the period for which he

was granted parole. On another occasion, he overstayed for 259 days and was arrested by the police and brought back to the jail.

3. Keeping in view the aforesaid record of the petitioner to overstay over and above the period for which he was granted parole, the respondent authorities thought it fit to remove his name from the Remission Register in accordance with the procedure.

4. Ms. Shinde, learned APP has tendered across the Bar, a report dated 12.06.2022 signed and prepared by the Superintendent, Kolhapur Central Prison, Kalamba, Kolhapur. The same is taken on record and marked 'X' for identification.

5. Upon perusal of the said report, it appears that again on 17.11.2021, the petitioner's name has been entered in the Remission Register. Therefore, one of the grievances of the petitioner as reflected in the petition stands redressed.

6. Since during the relevant time, the petitioner was an under-trial prisoner, the question of invoking writ of *habeas corpus* would not arise.

7. For the reasons aforesaid, nothing survives for further consideration in this petition. Writ petition stands disposed of accordingly.

(MILIND N. JADHAV, J.)

(S. S. SHINDE, J.)