

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2377 OF 2021

Pravin Tukaram Kumbhar

... Petitioner

Vs.

The State of Maharashtra

... Respondent

Ms. Manisha Devkar for the Petitioner (appointed advocate).

Mr. J. P. Yagnik, APP for the Respondent-State.

CORAM : PRASANNA B. VARALE &
S.M. MODAK, JJ.

Date : April 12, 2022.

P. C. :

1. The Petitioner – Convict No. C-7605, presently lodged in Nashik Road Central Prison, suffering the life imprisonment awarded to him by the judgment and order passed by the Additional Sessions Judge, Khed, Ratnagiri, has raised a limited grievance that the Petitioner has completed more than 16 years of his sentence and as such he was entitled for premature release.

2. The copy of letter petition was supplied to the office of public prosecutor. The learned public prosecutor submitted that he had called for a report from the prison authority and accordingly the prison authority has submitted its report. He tendered a copy of the report for the perusal of this Court across the bar. The perusal of report shows that

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as per the prison record, as on 31st March 2022 the Petitioner had undergone the sentence for the period of 16 years, 2 months and 1 day. Then, it is stated in the report that the State Government forwarded the communication dated 9th March 2021, to the Superintendent of Prison, Nashik Road Central Prison, whereby fresh proposal was directed to be submitted to the Additional Inspector General of Prisons.

3. It seems that considering the record as well as the provisions of the Code of Criminal Procedure, 1973, more particularly section 432(1) of the Code, as well as the judgment of the Hon'ble Apex Court in the matter of State of Harayana vs. Jagdish [AIR 2010 SC 1690] as well as considering the appraisal given by the learned Additional Sessions Judge, Khed, Ratnagiri, the State Government passed an order to release the Petitioner after completing his sentence of 14 years or 26 years with all remissions, whichever is later in point of time.

4. In our opinion, as the State Government has arrived at a decision dated 9th March 2021, the grievance raised in the petition no more survives. Learned counsel appearing on behalf of the Petitioner submitted that the Petitioner be granted liberty to challenge the decision of the State Government dated 9th March 2021 by raising appropriate grounds.

5. Accordingly, the present petition is disposed of with liberty to the Petitioner to file the appropriate proceedings, including the filing of writ petition in this Court in challenge to the order of the State Government dated 9th March 2021.

6. The Registry / Committee to quantify the fees of appointed advocate as per the extant Rules and pay the same to her at the earliest.

[S. M. Modak, J.]

[Prasanna B. Varale, J.]