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Date: 2022.04.25
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 257 OF 2019

IN

WRIT PETITION NO. 2693 OF 2017

ALONG WITH

INTERIM APPLICATION NO. 1034 OF 2022

WITH

INTERIM APPLICATION NO. 1033 OF 2022

Ronaldo James Alvares

...Petitioner/Applicant

Versus

The State of Maharashtra & Anr

...Respondents

- Mr. Hitesh P. Shah for the Petitioner.
- Ms. M.H. Mhatre, APP, for the Respondent – State.

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

DATE : APRIL 20, 2022.

PER COURT :

1. By way of the present Petition, Petitioner convict no. 3100 lodged in Kolhapur Central Prison, Kolhapur raised an grievance of non-decision on his application for pre-mature release. It was submitted in the Petition that the Petitioner had suffered the imprisonment for nearly 28 years and he had submitted an application for grant of remission. The application was pending before the Authorities for considerable

length of period as such, the direction was sought for to decide the application.

2. Now it is brought to our notice by learned APP that an order was passed on the application of the Petitioner on 31.05.2019 and by referring to certain provisions and by making a reference to various factors, the prayer for pre-mature release was rejected by the State Government.

3. In view of the order passed by the State Government, nothing survives in the Application. The application is accordingly disposed of.

4. It seems that the latest decision of the State Government dated 31.05.2019 whereby the prayer for pre-mature release is rejected is the subject matter of letter Petition and this letter Petition was received by this Court on 17.07.2019.

5. Learned Counsel for Petitioner prayed for sometime to file a proper Petition raising legal grounds, incorporating appropriate prayers so as to facilitate this Court to consider the merits of the grievance raised by the Petitioner.

6. Accordingly, the learned Counsel for Petitioner is permitted to file appropriate memo of the Petition by Monday i.e., 25th April, 2022.

7. The Counsel for Petitioner to supply copy of this Petition to the office of the Public Prosecutor on 25.04.2022 itself.

8. Post the Petition for further consideration on 02nd May, 2022.

9. In view of the fact that now the Petitioner is represented through a Counsel, his earlier applications filed in this Court for giving him an opportunity of personal hearing loses its efficacy. Accordingly, the pending Applications are disposed of.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)