



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

CRIMINAL WRIT PETITION NO. 768 OF 2024

**AZAMALI SOHARALI @ AHMEDALI ANSARI-C/ NO.507
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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**Advocate for the Petitioner : Mrs. Chate Sharada Pundlik
APP for Respondents/State : Mr. A.D. Wange**

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 24 APRIL 2024

PER COURT :

. Heard both the sides.

2. The petitioner is before us being aggrieved by inaction of the jail authorities to process his case for premature release in accordance with the provisions of law and the guidelines, in spite of the fact that he has already spent more than fourteen years as mentioned in the imprisonment certificate dated 18.04.2024.

3. He seems to be lodged in Visapur District Open Prison, Ahmednagar having been recently transferred from Morshi Open Prison, on 08.10.2023.

4. If the law and the Government policy requires processing of the individual cases of every prisoner who has undergone actual imprisonment for fourteen years and confers upon him a right to be

released, any inaction on the part of the authorities would result in the detention being unlawful.

5. Considering the seriousness, this Court had an occasion to consider a similar fact situation. Enlarging the scope of individual request in Criminal Writ Petition No.2391/2008, by the order dated 21.01.2009, division bench at the Principal Seat had an occasion to take into consideration these aspects and had directed a disciplinary proceeding to be initiated against the erring officers.

6. In our considered view, a similar direction deserves to be issued even in the present matter. If at all the petitioner has already undergone actual imprisonment for more than fourteen years, there ought not to have been any request from his side and the authorities were duty bound to take appropriate steps well in advance, so that he is not required to be detained even for a day, beyond the minimum period of imprisonment.

7. We, therefore, allow the writ petition and direct the respondent no.2 to immediately process the petitioner's case for premature release by taking appropriate steps.

8. Simultaneously, we direct the Chief Secretary to consider the issue seriously and issue appropriate directions immediately.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]