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

CRIMINAL WRIT PETITION NO. 880 OF 2024

Shaker Abdul Washid Kazi (convict No.6258)

....Petitioner

VERSUS

The State Of Maharashtra

.....Respondent

.....

Advocate for the Petitioner : Mr. Through Jail, Rupesh Anil Jaiswal
APP for Respondents: Mr. A.M. Phule.

**CORAM : SMT. VIBHA KANKANWADI
& S.G. CHAPALGAONKAR, JJ.**

DATE : 27th SEPTEMBER, 2024.

P.C. :-

1. Learned APP, upon instructions, submits that the petitioner was released on leave on 6.6.2023 and was supposed to report back to jail on 9.6.2023, however, he has not yet reported. He is absconding and therefore offence vide crime No. 178 of 2023 has been registered under Section 224 of IPC at Udgir city Police Station against him. He is yet to be traced out.

2. Under such circumstances, no question of granting him any leave arises. Further, if we consider his application, then; he has prayed for remission, stating that he should be released in view of the fact that he has undergone 15 years of imprisonment. In the communication produced today by the learned APP, it appears that there is an order passed by the State Government after categorizing him and stating that he should be released after total imprisonment of 22 years(inclusive of

remission) and as of today, he has undergone actual imprisonment of 19 years.

3. Since the petitioner is absconding, we do not want to exercise our constitutional powers. However, we say that the petitioner would be at liberty if at all he is brought back to the jail, then, he may exercise all the legal remedies available to him.

4. Writ petition is accordingly disposed of.

[S.G. CHAPALGAONKAR, J]

[SMT. VIBHA KANKANWADI, J]

grt/-