



114 IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPW) No.107 of 2024
IN
CRIMINAL WRIT PETITION NO. 142 OF 2024 (D)

Anil Laxman Jawade -Vs-The State of Maharashtra and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.R.D.Dhande, Advocate for the Petitioner/applicant.
Ms. N.R.Tripathi, A.P.P for respondent-State.

CORAM : VIBHA KANKANWADI &
VRUSHALI V.JOSHI, JJ

DATE : 16th July,2024.

1. Heard learned Advocate appearing for the petitioner/applicant and the learned APP for the respondents. This Court in Writ Petition No.142 of 2024 decided on 28.06.2024 had directed the release of the applicant/petitioner in view of the order/communication dated 09.11.2020. It is informed that the petitioner/applicant is not yet released, though the judgment was pronounced on 28.06.2024.

2. Learned APP on instructions, makes submission that though the categorization of the applicant/petitioner has been done, the actual period of sentence undergone is 17 years 9 months and 4 days and therefore, the applicant/petitioner has not been released.

3. At the outset, it is to be noted that when the

reply was filed in Criminal Writ Petition No.142 of 2023, no specific chart was given and it was then accepted that the petitioner/applicant is in jail since 2001. It was incumbent upon the State to give the calculation, as to what is the actual sentence undergone when the petition itself was for release of the petitioner/applicant. The applicant/petitioner was contending that he ought to have been categorized in 3(a) as per the Government Resolution dated 15.03.2020, but has been wrongly categorized under 3(b) of the said Government Resolution. The prayer clause-b also specific and therefore, as aforesaid, it was incumbent upon the State to give the calculation. Since, no calculation was given on the basis of available record and the communication dated 09.11.2020, the petition was allowed. There could not have been disobedience of the order passed by this Court by the respondent No.2. They cannot disagree in such a way if at all there was any problem with them then they ought to have come to this Court immediately. Under the said circumstance, we direct the respondent No.2 to release the petitioner/applicant forthwith. We also say that if at all now there is any delay then the appropriate action would be taken.

4. Application stands disposed of.

(MRS. VRUSHALI V.JOSHI,J.) (SMT.VIBHA KANKANWADI,J.)