



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 CRIMINAL WRIT PETITION NO. 860 OF 2025

BALA ALIAS NARAYAN ARJUN GAOKAR C-442

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Vishal Gadekar, Advocate (appointed as Amicus Curaie) for petitioner

Mr. N.R. Dayama, APP for respondent No.1 and 2

...

CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

DATE : 18th JULY, 2025

ORDER :

. In view of our order dated 30.06.2025 learned Advocate appointed for the cause of petitioner has filed the petition. The petitioner - convicts seeks directions to respondent Nos.1 and 2 for deciding the premature release of petitioner.

2 Heard learned appointed Advocate Mr. Vishal Gadekar to represent the cause of petitioner and learned APP Mr. N.R. Dayama for respondent Nos.1 and 2. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 It appears that present petitioner was convicted by learned City Sessions Court, Greater Bombay on 08.10.1993 in Sessions Case No.956/1988, for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code. He has been sentenced to suffer imprisonment for life. It appears that this Court had confirmed the conviction on 29.12.2015. Present petitioner was then lodged at Nashik Road Central Prison and thereafter on 11.05.2023 he has been transferred to Visapur District Open Prison, Tq. Shrigonda, Dist. Ahmednagar. Application/proposal for premature release of petitioner has been forwarded to respondent Nos.1 and 2. Learned APP, upon instructions from respondent No.1, makes a statement that said proposal would be decided within three months.

4 Since the proposal is pending for about more than a year, the further extension if granted to respondent No.1 would be unjust. The petitioner appears to be aged 63 and, therefore, taking into consideration his net incarceration of 14 years 07 months and 06 days and with remission 22 years 11 months and 14 days respondent No.1 should give preference to decide the proposal in respect of petitioner. We **dispose of** the petition by directing respondent No.1 to decide the proposal in respect of premature release of petitioner within a period of one month.

5 The fees of learned Advocate appointed for the cause of petitioner is quantified at Rs.7,000/- (Rupees Seven Thousand only), to be paid by High Court Legal Services Sub Committee, Aurangabad.

6 Parties to act upon authenticated copy of this order.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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