

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3208 OF 2025

Balkrishna Laxman Mhatre

... Petitioner

V/s.

State of Maharashtra & Anr

... Respondents

Mr. Rupesh A. Jaiswal, for Petitioner.

Mr. Vinod Chate, A.P.P. for Respondent No.1-State.

Ms. Suvarna Chorge, Jailor. Gr. II, Nashik Jail, present.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 26th August, 2025.

P.C. :

1) Petitioner is a life convict and as of today has crossed his age of 65 years. In paragraph 3 of the Petition the Petitioner has stated that, at present he is 72 years of age and has completed more than 15 years and one month of actual imprisonment. That, he is weak, infirm and suffering from various age related diseases. He had undergone surgery/operation of both his eyes. That, his one kidney is removed. Petitioner is also suffering from hernia and needs urgent surgical intervention.

2) Mr.Sachin Chikane, Superintendent of Nashik Road Central Prison, has filed detailed reply to the Petition, opposing the premature release of the Petitioner, though he is 72 years of age and suffering from said medical problems.

3) The medical certificate dated 16th December, 2024, issued by the District Hospital, Nashik and signed by a panel of Doctors in its Conclusions, mentioned as under :-

'After history, clinical examination and investigation findings on 9th December, 2024, medical committee is of opinion that-

1. His age is more than 65 years.

2. Prisoner had history of left kidney removal having no fresh complaints or no need of any treatment and admission in hospital and no require emergency surgical intervention at present.

3. Prisoner is not suffering from any disabilities and require no assistance for daily routine activities at present.

So he is physically and mentally fit.'

3.1) The medical certificate dated 5th August, 2025, issued by the District Hospital, Nashik and signed by panel of Doctors in its Conclusions column mentioned as under :-

'After history, clinical examination and investigation findings on 1st August, 2025, medical committee is of opinion that-

1. Prisoner had history of Hypertension, Diabetes on regular treatment. At present having no fresh complaints and no need of admission in hospital and not require emergency surgical intervention at present.

2. Prisoner is not suffering from any disabilities and require no assistance for daily routine activities at present.

So he is physically and mentally fit.'

3.2) It be noted here that, in the Certificate dated 5th August, 2025, the fact of removal of left kidney of Petitioner has not been stated.

4) It is the contention of the learned Advocate for the Petitioner that, the said fact has been deliberately suppressed to deny the benefit to the Petitioner of 10th January, 2006, Circular issued by the Government of Maharashtra.

5) In view of the above, we pass the following directions :-

i) The Petitioner be produced before the Medical Board consisting of not less than 3 experts in the field, of the Sir J.J. Group of Hospitals at Mumbai.

ii) The Registrar of Sir J.J. Group of Hospitals, Mumbai is directed to point out this Order to the Dean of Sir J.J. Group of Hospitals, Mumbai for formation of a Medical Board, for examination of the Petitioner.

iii) The Medical Board so constituted shall give its fair and rational opinion about the health of the Petitioner who is aged about more than 72 years and as stated in the Petition, is entitled for the benefit of circular issued by the 10th January, 2006, Circular issued by the Government of Maharashtra.

iv) The Petitioner be produced before the Registrar of the Sir J.J. Group of Hospitals at Mumbai on 11th September, 2025 at about 11.00 a.m.

v) The Registrar of the Sir J.J. Group of Hospitals is directed to submit its report to this Court, through the learned APP on or before 19th September, 2025.

6) In view of the facts mentioned herein above, we direct the Additional Director General of Prisons and Inspector General of Police to file his detailed reply to the Petition placing on record the fact as how many convict persons till date have been granted benefit of the Circular dated 10th January, 2006 and have been released from jail prematurely.

6.1) The said reply also to state that, out of the total released convict persons prematurely how many persons were having both the kidneys functioning.

The said Affidavit be filed on or before 26th September, 2025.

7) Stand over to 19th September, 2025, for the Report of the Medical Board.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)