



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 413/2024

Nilesh Shantaram Ajgaonkar (C-2407)

Vs.

Deputy Inspector General Prison (East Region), Nagpur and Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms Ratna Singh, Advocate for Petitioner.

Ms N. R. Tripathi, A.P.P. for Respondents/State.

CORAM : NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.

DATED : 18/03/2025.

Heard.

2. On December 1, 1998, the petitioner was convicted for an offence punishable under Section 302 read with 34 of the Indian Penal Code and was sentenced to life imprisonment.

3. After he was released on prison leave on July 31, 2003, the petitioner absconded resulting in the registration of crime being No.222/2019 punishable under Section 224 of the Indian Penal Code and after arresting, he was re-lodged in the prison.

4. As a sequel of above, the petitioner remained absconded for a period of 5797 days. Based on above, a show-cause notice was issued to the petitioner on July 12, 2019 pursuant to the provisions of Rule 23 of the Maharashtra Prisons (Remission System) Rules, 1962 (for short "the Rules, 1962") as to why the petitioner's name should not be struck out from the remission register. The petitioner submitted his response on August 9, 2019 to the same, however it appears that till this date, the authorities have not passed any order pursuant to the show-cause notice.

5. The petitioner has approached before this Court claiming that he has already completed imprisonment of 17 years, 9 months and 24 days and as such, his conduct post his rearrest on July 8, 2019 be considered to extend the benefit of remission as contemplated under Rule 24 of the Rule referred above.

6. The fact remains that till this date, neither the respondents nor the petitioner could assist this Court on the issue of the order being passed on the show-cause notice and explanation tendered by the petitioner as referred above.

7. This has led the Court to infer that the respondents till this date have not passed any order dealing with the show-cause notice dated July 12, 2019 and as such, there is neither any reason nor any material to believe that the respondents have decided the claim of the petitioner as prescribed under Rule 24 of the Rules, 1962, referred above.

8. That being so, we deem it appropriate to dispose of this petition by directing the respondents to communicate the decision taken on the above-referred show-cause notice within a period of eight weeks from today.

9. The petition accordingly stands disposed of.

10. Needless to clarify that it shall be open for the petitioner to approach afresh in case if the order to be communicated is adverse to the interest of the petitioner.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)