

ITEM NO.22

COURT NO.3
(HEARING THROUGH VIDEO CONFERENCING)

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Criminal) No.227/2020

SIDDHARAM VIJAY HARAKE

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(FOR ADMISSION; and, IA No.78889/2020 - FOR EXEMPTION FROM FILING
AFFIDAVIT)

Date : 18-11-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

Jail Petition

For Petitioner(s) Ms. Neela Gokhale, AOR
Amicus Curiae

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The petitioner stands convicted for the offence punishable under Section 302 IPC and sentenced to suffer life imprisonment.

The appeal challenging the order of conviction and sentence was rejected by the High Court, which order was also put in challenge before this Court. While dismissing the Special Leave Petition (Crl.).. Crl.M.P. No.21014 of 2015, this Court affirmed the view taken by the High Court.

The present Writ Petition has been filed seeking pre-mature release.

It has been submitted that the petitioner has completed 14 years of actual sentence.

If that be so, the petitioner is entitled to prefer an appropriate application under Sections 432 and 433 of the Code of Criminal Procedure, 1973 ("Cr.P.C." for short).

We permit the petitioners to file an application under Sections 432 and 433 Cr.P.C. seeking appropriate relief. The Jail Authorities may assist the petitioner in preferring such application. If and when, such application is filed, the Jail Authorities are directed to transmit the application for further consideration by the concerned authority of the State. The State may take decision as early as possible and purely in accordance with law.

With the aforesaid observations, this Writ Petition stands disposed of.

(MUKESH NASA)
COURT MASTER

(BEENA JOLLY)
BRANCH OFFICER