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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2316 OF 2014.

Ashok Bhagwan Suryawanshi ... Petitioner
V/s.
The State of Maharashtra Respondent.

Mr. Prashant G. Pandey, for the Petitioner.
Mr. A. S. Shitole, APP for the Respondent-State.

CORAM : SMT. V.K. TAHILRAMANI ACTING CJ &
DR. SHALINI PHANSALKAR-JOSHI, J.
DATE : 15th DECEMBER, 2015.

P.C. :

1. Heard both sides.
2. Rule.
3. Rule is made returnable forthwith.
4. The petitioner has been convicted under Section 302 of the Indian Penal Code for causing death of his younger sister Sindhu @ Bandi, by assaulting her on the head with a grinding stone. On account of assault Sindhu sustained C.L.W. of 3 x 2 x 2cms on occipital region. The internal injury due to this external injury was fracture of occipital bone.
5. The petitioner had completed 14 years of actual

imprisonment, hence, his case was referred to the Home Department, for premature release. After, considering his case, the petitioner was placed in category “2(c)”. Category 2 deals with offences relating to **crime against women and minors**. Category 2(a) states as under:-

“2(a) Where the convict has no previous criminal history and committed the murder in an individual capacity in a moment of anger without premeditation” .

If a prisoner is categorized in category 2(a), the period of imprisonment to be undergone including remission subject to minimum of 14 years of actual imprisonment including set off period is 20 years.

6. Category 2(b) states that when crime as mentioned in category 2(a) is committed with premeditation, then the period would be 22 years.

7. Category 2(c) states that when the crime as mentioned in 2(a) is committed with exceptional violence or with brutality or death of the victim is due to burns, the period of imprisonment to be undergone including remission subject to minimum of 14 years of actual imprisonment including set off is 26 years.

8. The petitioner has been placed in category 2(c).

Learned counsel for the petitioner states that looking to the facts of this case, the role played by the petitioner and the injuries sustained by Sindhu @ Bandi, the case of the petitioner would fall in category 2(b).

9. The role of the petitioner is that he assaulted his sister Sindhu@ Bandi with grinding stone on the head. He gave Sindhu one blow on the head and injury sustained by Sindhu is already reflected in para (4) above. Looking to all these facts we are of the considered opinion that the case of the petitioner would fall in category 2(b). Hence the period of imprisonment to be undergone by the petitioner including remission subject to minimum 14 years of actual imprisonment including set of is 22 years.

10. If the petitioner has completed the period of imprisonment of 22 years including remission and he has completed minimum 14 years of actual imprisonment including set off period, the petitioner be released forthwith.

14. Rule is made absolute in above terms.

CERTIFICATE

Certified to be true and correct copy of the original signed order.