

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL WRIT PETITION NO. 1519 OF 2015

ANIL DAYABHAI PARMAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Petitioner : Mr. S. P. Salgar.
APP for Respondent : Mr. K. S. Patil.

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CORAM : **A. V. NIRGUDE &
INDIRA K. JAIN, JJ.**

DATE : 17th March, 2016.

P.C.:

. As per the report of Superintendent, Open Prison, Paithan, it is clear that the Petitioner is in jail for last 11 years and 5 months. Until he completes 14 years of actual imprisonment his case would not be referred to the Government for remission etc. The learned counsel for Petitioner, as per the instructions of the Petitioner, asserted that Petitioner's case deserves to be sent to the Government for remission even today. But this does not appear possible in view of specific provisions of Sections 433 and 433-A of the Code of Criminal Procedure. The appropriate Government has power to commute the sentence of imprisonment for life, which would exceed 14 years. So the case of Petitioner can be referred to the Government only after he completed 14 years of actual imprisonment.

2 Hence, criminal writ petition stands dismissed.

3 Learned counsel appointed for the Petitioner shall be paid
fee of Rs.1,500/-.

[INDIRA K. JAIN, J.]

[A. V. NIRGUDE, J.]

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