

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1432 OF 2014

Israr Ahmed Fateh Mohammad Ansari ... Petitioner

Vs.

The State of Maharashtra ... Respondent

Mrs.Nasreen S.K. Ayubi, Advocate appointed for the Petitioner
Mrs.U.V. Kejriwal, APP, for Respondent – State

CORAM: **SMT. V.K. TAHILRAMANI &
MRS.MRIDULA BHATKAR, JJ.**

DATE: **JULY 18, 2016**

P.C.:

1. Heard both sides.
2. Rule. By consent, Rule is made returnable forthwith.
3. The petitioner has preferred this petition through jail for review of the order dated 16.12.2011 passed by this Court in Writ Petition No.2765 of 2011 preferred by the petitioner himself.
4. The petitioner is undergoing life imprisonment for causing the death of his wife Rumana by setting her on fire. The petitioner had preferred criminal Writ Petition No.2765 of 2011 seeking premature release. At that time, it was pointed out to the Court that the petitioner's case is covered by category 1(d) of the Guidelines of 1992 or category 2(c) of the Guidelines

of 2010. In either case i.e., under 1(d) or 2(c), the prisoner has to undergo 26 years of imprisonment including remission. This Court has already considered the issue and has opined that the conclusion reached by the authorities cannot be faulted. Observing thus, the petition came to be dismissed. The petitioner is now seeking review of the order dated 16.12.2011 passed in the petition preferred by him i.e., Writ Petition No.2765 of 2011.

5. There is no provision in the criminal law regarding review of the matter when the same is finally disposed off except to correct a clerical or an arithmetical error, which is clear from section 362 of the Code of Criminal Procedure. It is not the case of the petitioner that there is an arithmetical error in the judgment and order. His grounds are on merits. In such case, we cannot review the order dated 16.12.2011. No case is made out for interference, hence, Rule is discharged.

6. Office to communicate this order to the petitioner, who is in Yerwada Central Prison, Pune.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)