

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

CRIMINAL WRIT PETITION NO.498 OF 2016

Shriram Dashrath Giripunje

..vs..

The State of Maharashtra, through its Secretary, Home Mantralaya, Mumbai and anr

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

Court's or Judge's Order

Ms Akshara Kshirsagar, counsel for the petitioner (appointed).
Shri N.B. Jawade, Addl.P.P. for the respondents/State.

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.**

DATED : SEPTEMBER 22, 2016.

Heard.

The applicant-prisoner was categorized under Category 3(d) of 1992 Rules and accordingly is undergoing life imprisonment. After 2010 Guidelines came into force, he is seeking re-categorization. Learned counsel Ms Akshara Kshirsagar for the petitioner points out that as per 2010 Guidelines, offences relating to crime against women are placed in Category 2 and, here, as the offence cannot be said to have been committed with exceptional violence or with brutality, the prisoner needs to be categorized under Category 2(a) and, therefore, is entitled to be released after putting in 20 years.

Learned Additional Public Prosecutor Shri

N.B. Jawade for the respondents/State states that the prisoner had conducted second marriage and had developed some differences with deceased who was his first wife. The second wife was staying in village while he brought his first wife to Nagpur city where the prisoner was working as mason. As first wife (deceased) refused to consent for abortion, she was killed by throttling.

The categorization under Category 3(d) as per 1992 Rules is not in dispute. The said category envisages convicts who have committed murder with premeditation and with exceptional violence or perversity. Such prisoners have to undergo imprisonment of 26 years.

In 2010 Guidelines, though for offences relating to crime against women Category 2 has been provided, Category 2(c) covers such prisoners who have committed crime with exceptional violence or brutality or death of victim due to burns and they have to suffer 26 years imprisonment. As per Category 2(a), on which learned counsel Ms Akshara Kshirsagar for the petitioner is placing reliance, convicts not having previous history and committing murder in independent capacity in a moment of anger and premeditation are covered.

The communication sent by the petitioner shows that according to him, as his wife did not obey him, she was killed by throttling. There was no premeditation in it.

In the light of findings that she was pregnant and did not consent to abortion, we find no substance in the request for re-categorization.

The criminal writ petition is, therefore, dismissed. No costs.

JUDGE

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

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