

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

**Criminal Writ Petition No.629 of 2017**  
***(Govinda s/o.Kisan Thokale .vs. State and another)***

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

Court's or Judge's Orders

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*Ms Radha Mishra, Advocate (appointed) for the  
petitioner.*  
*Mrs.Nandita Tripathi, A.P.P. for the Respondent Nos.  
1 and 2.*

**CORAM** : SMT VASANTI A NAIK &  
M. G. GIRATKAR, JJ.  
**DATE** : 31.8.2017.

Heard.

By this Criminal Writ Petition, the petitioner seeks a direction against the respondents to set the petitioner at liberty by placing the petitioner in the category 3(b) of the Guidelines for pre-mature release of the prisoners undergoing life imprisonment and not under category 1(e) as held by the respondents in the impugned order.

On a reading of the guidelines, it appears that the petitioner is placed in category 1(e) as the petitioner falls in the category with the heading "murders relating to sexual matters or arising out of relations with women, dowry deaths and other forms of bride killing etc. The petitioner is placed in the said category of convicts as the petitioner was involved in seeking undue sexual favour from the wife of the deceased and when the deceased objected to the same, the petitioner along with the

other accused caused the death of the husband of the woman by giving blows to him with deadly weapons. The deceased had died on the spot in view of the exceptional violence in committing the crime. In the circumstances of the case, the respondents had rightly placed the petitioner in category 1(e), requiring the petitioner to undergo the sentence for a period of 28 years for committing the crime with exceptional violence. The petitioner was not placed in category 3(b) as the murder was not for any other reason but the murder was relating to the matter arising out of relationship with a woman.

Since there is no infirmity in the impugned order, we dismiss the Writ Petition with no order as to costs.

The professional fees of the learned Counsel for the petitioner are quantified at **Rs.1,500/-**.

**JUDGE**

**JUDGE**

*\*jaiswal*