

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4428 OF 2017

Sunil B. Pingale	...Petitioner
Versus	
The State of Maharashtra	...Respondent

Ms Rohini M. Dandekar, Advocate appointed – for the
Petitioner.

Mr. Arfan Sait, APP for the Respondent-State.

**CORAM : SMT. V. K. TAHILRAMANI, Acting C.J.&
M. S. SONAK, J.**

DATE : 5th APRIL 2018.

ORAL JUDGMENT [PER SMT. V.K. TAHILRAMANI, A.C.J.] :

1] Heard learned counsel for both sides.

2] By this petition, the petitioner is praying for
premature release under section 433-A of the Code of
Criminal Procedure, 1973.

3] Before we consider the prayer of the petitioner, it
would be necessary to state few facts.

By judgement and order dated 27th August 1997, the
learned Sessions Judge, Pune had convicted the petitioner
in Sessions Case No. 363 of 1994 for the offence under

section 302 of Indian Penal Code, 1860 (IPC) for causing the death of his mother-in-law Deubai and again under section 302 of IPC for causing the death of cousin sister-in-law Jayashri. The petitioner was sentenced to death on these two counts. In addition, the petitioner was also convicted for the offence under section 307 of IPC for attempting to commit murder of his wife Sunita and cousin sister's husband Gajanan and the petitioner was sentenced to 7 years imprisonment on these two counts. The petitioner was also convicted under other sections of IPC. The petitioner preferred an appeal against the said conviction and sentence, which came to be dismissed by the High Court. Being aggrieved thereby, the petitioner approached the Hon'ble Supreme Court, the Hon'ble Supreme Court had confirmed the conviction and sentence as imposed by the trial court. Thereafter, the petitioner preferred a mercy petition under Article 72 of the Constitution of India to the President of India.

4] The President of India has passed the following order on 21st March 2011 on the mercy petition of the petitioner:

"... The President of India has, in exercise of the powers under Article -72 of the Constitution of India,

been pleased to commute the sentence of death awarded to condemned prisoner Sunil Baban Pingale, by the order dated 27th August, 1997 of Additional District Judge, Pune, which was confirmed by the High Court of Mumbai and Supreme Court of India vide their order dated 17th, 18th July 1998 and 13th April 1999 respectively, to life imprisonment with the condition that the prisoner shall remain in prison for the whole of remainder of his natural life and there shall be no remission of the term of imprisonment."

5] Thus, it is seen from the above that the President of India has commuted the death sentence of the petitioner to life imprisonment on condition that the petitioner shall remain in prison for the whole of remainder of his natural life and there shall be no remission of the term of imprisonment. Thereafter, the case of the petitioner was considered by the Home Department and the prayer of the petitioner for premature release came to be rejected. Being aggrieved thereby, the petitioner has preferred the present petition.

6] The facts of the case are that Sunita is the wife of the petitioner. The petitioner mentally and physically harassed and treated Sunita with cruelty even though she was pregnant. On account of cruelty, Sunita went to her parental home. She lodged the complaint against the

petitioner with the police. She also filed the matrimonial proceedings against the petitioner. On account of this, the petitioner got enraged and went to the parental home of Sunita. The petitioner threw his wife in a big tank which was like a well with intention to kill his wife. The petitioner then assaulted Deubai, who was mother of his wife Sunita, with sword on the back. The force of the blow was such that the sword pierced her back and came out from the belly. Deubai expired on account of the said assault. Thereafter, the petitioner poured kerosene on the dead body of Deubai and set her on fire. The petitioner tied hands of Jayashri, who was cousin sister of his wife Sunita. He then poured kerosene on Jayashri and set her on fire. Due to this Jayashri expired. The petitioner also assaulted Narsu, the father of Sunita with sword on right neck, right palm etc. During the course of incident, injuries were also caused to Gajanan when he tried to save his wife.

7] Looking to these facts and extreme brutality perpetrated by the petitioner and the extremely cruel behaviour of the petitioner, we are of the opinion that no

case is made out for interference. Hence, Rule is discharged.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

D.S.Sherla