

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2 OF 2018

Aslam Babalal Desai. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

None for the petitioner.
Ms.M.H.Mhatre, APP for the respondent- State/

CORAM : A.S.OKA AND A.S.GADKARI, JJ.

DATE : 20th February 2019.

P.C. :

A copy of judicial appraisal by the learned Additional Sessions Judge, Sangli dated 5th August 2017 is placed on record. The question is whether the petitioner is entitled to grant of the State remission under the Government Circular dated 3rd June 2017 as modified by the Government Circular dated 19th January 2018.

2. Perusal of the judicial appraisal shows that the learned Additional Sessions Judge has not considered the aforesaid circulars while making judicial appraisal. He was expected to look into the circulars and decide whether the case of the petitioner will be governed by the said circulars.

3. In view of this position, we pass the following order:

O R D E R

- (i) The State Government shall remit the case of the petitioner for a fresh judicial appraisal by the learned Additional Sessions Judge, Sangli who will make appraisal after taking into consideration the aforesaid circulars;
- (ii) As soon as the judicial appraisal is received by the concerned authority of the State Government, an appropriate order shall be passed on the question of granting remission to the petitioner in terms of the said circulars. Appropriate orders shall be passed by the State Government or the Competent Authority within six weeks from the date the judicial appraisal is received;
- (iii) The petition is disposed of on the above terms;
- (iv) A copy of this order shall be forwarded to the petitioner through Jail Superintendent of the concerned jail.

(A.S.GADKARI, J.)

(A.S.OKA, J.)