

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4 OF 2018

Raju Shankar Shete

...Petitioner

V/s.

The State of Maharashtra
and anr.

....Respondents

Mr. Prosper D'souza, Advocate for the petitioner.

Mr. J.P. Yagnik, APP for the State.

**CORAM : B.P. DHARMADHIKARI, &
SANDEEP K. SHINDE, JJ.****Tuesday, 15th October, 2019.****P.C. :**

1. Refusal of remission scheme floated on the eve of 125th Birth Anniversary of Dr. Babasaheb Ambedkar vide order dated 13th July, 2017 is questioned by petitioner- Raju. Order shows that because of serious nature of crime committed by prisoner, he has not been given that benefit.

2. Today, identical controversy has been looked into.

3. While deciding Criminal Writ Petition No. 4418 of 2019, we have also looked into a reported judgment of this Court, (2019) All M.R. 1125 (**Satish Dada Londhe V/s. State of Maharashtra**).

4. Thus, the grave nature or seriousness of crime is not seen as a relevant circumstance in the remission scheme floated on 3rd June, 2017. Benefit of remission can be declined only in six contingencies stipulated therein.

5. In present matter, convicting Court namely, District Judge-V and Additional Sessions Judge, Sangli has on 13th July, 2017 communicated a recommendation in negative. It is admitted position that power to grant remission is to be exercised by Superintendent of concerned jail. This negative recommendation therefore is not

binding on Superintendent who has to apply his mind independently.

6. We therefore direct Superintendent of Yerwada Open Prison, Pune to look into above reported judgment and orders of this Court and take decision independently on the plea of petitioner. This decision shall be taken within eight weeks from date of receipt of this order by him. The benefit of remission, if extended, shall be taken into account to find out whether prisoner, Raju needs to be set at liberty.

7. Petition is partly allowed and disposed off.

8. Order be communicated to prisoner in jail.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)