

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1508 OF 2019

Mohandas Balkrishna Jadhav .. Petitioner

Versus

The State of Maharashtra .. Respondent

Mr. Shantanu Phanse for the petitioner.

Mrs. M.H. Mhatre, APP for the State.

CORAM : B.P. DHARMADHIKARI &
SANDEEP KASHINATH SHINDE, JJ.
DATE : SEPTEMBER 17, 2019

P.C.:

The benefit of the State remission on account of 125th birth anniversary of Dr. Babasaheb Ambedkar is declined to the petitioner on account of report of District Judge-1, Ratnagiri that he is convicted under the central enactment i.e. under section 302 IPC.

2. The counsel (appointed) for the petitioner points out that this runs counter to the GR dated 19/11/2018 which removes that rider from the scheme floated on 3/6/2017.

3. This later GR dated 19/11/2018 is not in dispute.

4. As such the Authorities have to pass fresh orders.

5. We therefore quash and set aside the impugned order and

restore matter back to the file of the respondents. Fresh decision on the eligibility of the petitioner to the benefit of remission scheme shall be taken within two months from the date of communication of this order to the competent authority.

6. Petition is accordingly partly allowed.

7. This order be communicated to the concerned authority as also to the prisoner in jail.

(SANDEEP KASHINATH SHINDE, J.)

(B.P. DHARMADHIKARI, J.)