

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

CRIMINAL WRIT PETITION NO. 1593 of 2019

Laxman Namdeo Gangurde

... Petitioner

V/s.

The State of Maharashtra

... Respondent

.....

None for the Petitioner.

Mr. Arfan Sait, APP for Respondent-State.

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**CORAM : B. P. DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 5th APRIL, 2019.

P.C.:

The matter was listed on board yesterday and came to be adjourned for today. Learned APP today has produced copy of judgment dated 28th November, 2018, delivered by learned Single Judge of this Court in Criminal Appeal No. 930 of 2015. It appears that, appeal was partly allowed, conviction under Section 376(2)(i) of Indian Penal Code (hereinafter referred to as 'IPC' for short) was quashed and he was convicted for offence punishable under Section 376 with imprisonment for 7 years and fine of Rs.30,000/-, in default to undergo further rigorous imprisonment for 3 years.

2. The order/communication sent by Additional Sessions Judge-3, Nashik to Superintendent of Nashik Road Central Prison on 24th October, 2018 mentions that Appeal No. 930 of 2015 was pending. Because of that pendency, the learned Sessions Court could not express any opinion on prayer for remission made by prisoner.

3. It appears that, about one month after this communication, appeal has been partly allowed by this Court.

4. Learned APP on instruction submitted that, including remission, petitioner has put in about 6 years and 13 days in prison.

5. As the appeal is now not pending and conviction has been altered, with direction to respondent-State to communicate these developments and order to that Court within 4 weeks from today and with further direction that appropriate decision of prayer for remission shall be taken at the earliest and within further period of 3 months, we partly allow this petition and dispose it of.

6. Copy of this order be served upon the prisoner in jail and also on office of the Sessions Judge, Nashik for its transmission to concerned Court.

(PRAKASH D. NAIK, J.)

(B. P. DHARMADHIKARI, J.)