

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1942 OF 2019

Tukaram Arjun Tiskar

... Petitioner

Versus

State of Maharashtra and anr.

... Respondents

Mr.M.N. Gawankar for the petitioner.

Ms. M.H. Mhatre, AAPP for the respondent State.

**CORAM : B.P. DHARMADHIKARI &
SMT.SWAPNA JOSHI, JJ.**

DATE : JUNE 03, 2019

P.C.:

Heard Advocate Gavankar and learned APP.

2. Petitioner seeks benefit of the State remission extended to all on account of completion of 50 years of independence.

3.. Learned APP points out that at the relevant time, present petitioner was an under trial prisoner and therefore, the benefit of remission cannot be extended to him. Learned APP points out that the impugned order considers the legal position and benefit has rightly declined to him.

4. Perusal of the judgment delivered by the Sessions Court in Sessions Case No. 492 of 1987 on 23/4/1999 shows that

Tukaram Tiskar (Present applicant) was in jail custody from 28/6/1985 till 12/8/1987.

5. The reported judgment of this court in the case of Chottu Ratanlal Punekar Vs. State of Maharashtra 2008 ALL MR (Cri) 2219 shows that even the under trial prisoner is entitled to benefit of state remission. The fact that here Tukaram was released on bail on 13/8/1987 does not render him not under trial prisoner. In this situation, we direct the respondents to extend the benefit of remission as per its policy dated 6/8/1997 to the petitioner within four weeks from today.

6. If it is found that he has already completed the prison sentence in terms of the order dated 27/3/2019, he shall be released from prison forthwith if his custody is not required in any other matter. Petition is accordingly partly allowed and disposed of.

(SMT.SWAPNA JOSHI, J.)

(B.P. DHARMADHIKARI, J.)