

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2015 OF 2018

Hemraj Keshav Deore

...Petitioner

V/s.

The State of Maharashtra

....Respondent

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

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

Mr. P.M. Nagawade, Jailor, Grade-2, Nashik Central
Jail present.

CORAM : B.P. DHARMADHIKARI, &

SANDEEP K. SHINDE, JJ.

Tuesday, 15th October, 2019.**P.C. :**

1. Prisoner placed in open jail from 12th October, 2018 is before this Court for the benefit of State remission as per 125th Birth Anniversary of Dr. Babasaheb Ambedkar remission scheme.

2. Additional Sessions Judge, Malegaon convicted him in Sessions Case No.172 of 2008 and he is in prison since 8th September, 2008. His conviction under Section 302 read with Seciton 34 of the Indian Penal Code has been altered to only one under Section 302 Indian Penal Code by this Court in Criminal Appeal No. 739 of 2012.

3. Convicting Court has advised against grant of remission to him on the ground that he would be released within seven years.

4. After hearing the learned Counsel (appointed) and learned APP we are not in a position to find any such material on record. The policy decision dated 3rd June, 2017 shows that he falls in last category of prisoners who have been sentenced to suffer imprisonment extending five years till life imprisonment. Extent of state remission in that situation is three months.

5. The prisoner/petitioner is required to be categorised in terms of 14 year rule and thereafter the benefit of remission can be allowed.

6. In this situation, we direct respondents to extend the petitioner benefit of three months remission as per 125th Birth Anniversary of Dr. Babasaheb Ambedkar remission scheme and proceed further in accordance with law.

7. Petition is partly allowed and disposed off.

8. Order be communicated to prisoner in open jail at Paithan.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)