

3.9.2019

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2337 OF 2019

Maksud Pashamiya PathanPetitioner

V/s.

The State of MaharashtraRespondent

Mr. M.G. Shukla, Advocate for the petitioner.

Mr. Arfan Sait, APP for State.

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

**CORAM : B.P. DHARMADHIKARI, &
SANDEEP K. SHINDE, JJ.**

Tuesday, 3rd September, 2019.

P.C. :

1. Heard Mr. Shukla (appointed) and learned
APP. Judgment of conviction dated 24th April, 2019
points out that offence has been committed on 29th
August, 2016 and the FIR was registered on 30th

3.9.2019

August, 2016. We find that remission scheme on eve of 125th Birth Anniversary of Dr. Babasaheb Ambedkar though published on 3rd June, 2017, has been given effect from 14th April, 2016.

2. Learned APP is therefore right in submitting that offence has been committed after remission scheme came into force and as such applicant was not even an undertrial prisoner on that date.

3. We therefore find prayer to extend benefit of remission scheme mis-conceived. Rejected.

4. Order be communicated to prisoner in jail.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)