

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

WRIT PETITION NO.2569 OF 2019

Aarif Wali Mohammad Shaikh

...Petitioner

vs.

The State of Maharashtra

...Respondent

Mr. Shashikant D. Chandak for the Petitioner.

Mr. H. J. Dedhia, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
MRS. SWAPNA S. JOSHI, JJ.
DATE : 22/07/2019.**

P.C.:

1. Petitioner placed in 22 years category seeks benefit of the State remission allowed on account of 125th birth anniversary of Dr. Babasaheb Ambedkar.

2. After hearing respective learned counsel we find that Additional Sessions Judge, 25th Court, Greater Bombay has on 8/9/2017 given negative opinion.

3. The said Court has found the petitioner not entitled to benefit of remission considering the mode and manner in which crime was committed.

4. The material before us does not show the mode and manner. Not only this, the State Government has thereafter not passed any order either way and hence substantive satisfaction envisaged by section 432 of Cr. P. C. is not there. Nominal roll of the present prisoner shows that he is now in open prison.

5. We therefore direct the respondent State to pass suitable order on opinion given by the Sessions Court within a period of 6 weeks after receipt of this order.

6. The petition is partly allowed and disposed of.

7. Order be communicated to the convicting Court.

(MRS. SWAPNA S. JOSHI, J.)

(B. P. DHARMADHIKARI, J.)