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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3099 OF 2019

Ashok Motiram Gaikwad

... Petitioner

Vs.

The State of Maharashtra

... Respondent

Ms. Nihitha Shankaran for the Petitioner.

Mr. Arfan Sait, APP for the Respondent – State.

Mr. P.M. Nagawade, Jailor, Gr.-II, Nashik Jail.

CORAM : B.P. DHARMADHIKARI AND
MRS. SWAPNA S. JOSHI, JJ.

DATE : 29th JULY 2019.

P.C. :

1 The convict under section 302 of IPC in open prison seeks final orders of his categorisation. With remission he has already put in 21 years and 7 months imprisonment.

2 The learned counsel (appointed) points out that on lower side he may be categorised into 22 years category and therefore released after next 3 or 4 months.

3 The learned APP disputes this. He submits that opinion of convicting Court under section 432(2) Cr.P.C. has been asked for and it is still awaited.

4 We find that interest of justice can be met with by directing the convicting Court to expedite action and to submit necessary opinion to the Government within 4 weeks after communication of this order to it.

5 After receipt of that opinion the Government shall pass suitable orders in accordance with law on request for categorisation within next 8 weeks.

6 With these directions and keeping all rival contentions open, we partly allow writ petition and dispose it of.

7 Registry to communicate the direction to the convicting Court viz. Additional Sessions Judge, Thane.

8 Copy of order be sent to prisoner in jail.

(MRS. SWAPNA S. JOSHI, J.)

(B.P. DHARMADHIKARI, J.)