

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3766 OF 2019

Rupsing Anna Devare

...Petitioner

V/s.

The State of Maharashtra

....Respondents

Ms. Saswati Deb, Advocate for the petitioner.

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

**CORAM : B.P. DHARMADHIKARI, &
SANDEEP K. SHINDE, JJ.****Wednesday, 9th October, 2019.****P.C. :**

1. Heard learned Advocate (appointed) and learned APP.
2. Perused communication sent by Convicting Court dated 22nd April, 2019 to the Superintendent of Jail.
3. Convicting Court has opined that petitioner is not eligible for benefit of remission scheme floated on account of 125th Birth Anniversary

of Dr. Babasaheb Ambedkar.

4. According to the Advocate (appointed) the Scheme does not envisage any such norm of eligibility. Learned APP states that discretion and power in the matter is delegated by the State Government to Superintendent of concerned Jail and that Superintendent has to pass final order.

5. In above facts, we find that communication dated 22nd April, 2019 (supra) is not decisive or binding on the Superintendent. Concerned Superintendent has to apply his mind independently in terms of the remission scheme.

6. Hence, we direct Superintendent Central Jail, Nashik Road, Nashik to take independent decision in the matter within two weeks after communication of this order to him. With this we dispose off writ petition.

7. Order be communicated to prisoner in jail.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)