

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

WRIT PETITION NO.4209 OF 2019

Suraj Puran Bahadur ... Petitioner
Vs
The State of Maharashtra ... Respondents
...
Mr. Priyanshu S. Mishra (App. Adv.) for the Petitioner.
Mr. J.P.Yagnik, APP for the Respondent-State.

**CORAM : B.P.DHARMADHIKARI &
SANDEEP K. SHINDE JJ.**
DATE : SEPTEMBER 30, 2019

P.C. :

*Heard learned counsel (appointed) and the
learned APP for the State.*

2 *Benefit of remission scheme floated on the eve of
125th birth anniversary of Dr. Babasaheb Ambedkar has
been declined because of adverse opinion expressed by the
Convicting Court.*

3 *We have perused that opinion contained in the
letter dated 16th January, 2018 sent by Special Judge (CBI)
and Additional Sessions Judge, City Civil and Sessions
Court, Greater Mumbai to Superintendent, Central Prison,*

Nashik . The Convicting Court has felt that since conviction was under MCOCA, it was very serious offence and hence, remission could not have been given.

4 *Remission is regulated by G.R. dated 3rd June, 2017 and as per the said G.R., decision is to be taken by the State Government. As such, adverse report submitted by the Convicting Court may be only one of the relevant factors to be looked into by the State Government.*

5 *We, therefore, direct the State Government to take suitable decision in accordance with law on request of remission made by the petitioner within three months from the date of receipt of this order.*

6 *Writ petition is, accordingly, partly allowed and disposed of .*

Order be communicated to the prisoner in jail.

(SANDEEP K. SHINDE, J.) (B.P.DHARMADHIKARI, J.)