

27.8.2019

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4265 OF 2019

Mohd. Parvez Pyarejaan Shaikh ...Petitioner

V/s.

The State of Maharashtra ...Respondent

None for the petitioner.

Mr. J.P. Yagnik, AGP for the respondent-State.

CORAM : B.P. DHARMADHIKARI, &

SANDEEP K. SHINDE, JJ.

Tuesday, 27th August, 2019.

P.C. :

1. We have heard learned AGP.
2. The letter received from prisoner in jail
has been placed before this Court.

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3. Communication dated 30th January, 2018 sent by the 2nd Additional Principal Judge, City Civil and Sessions Court, Greater Mumbai mentions that as prisoner has still not completed fourteen years of actual imprisonment, benefit of remission scheme floated on eve of 125th Birth Anniversary of Dr. Babasaheb Ambedkar cannot be extended to him.

4. Though APP is seeking time to verify , we find the reason, prima-facie, unsustainable.

5. In any case, final decision, whether to extend benefit or not is to be taken by the Competent Authority.

6. His remission scheme dated 3rd June, 2017 permits benefit of remission even in case of life imprisonment.

7. We therefore direct Competent Authority to take decision in accordance with the said policy

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independently within four weeks after receipt of this order by it.

8. The decision taken by the Competent Authority shall be communicated to prisoner.

9. The petition is disposed of.

10. This order be communicated to Prisoner in jail.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)