

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

CRIMINAL WRIT PETITION NO. 3915 OF 2018

Fahad Mustaq Patankar

...Petitioner.

vs.

The State of Maharashtra

...Respondent.

None for the petitioner.

Mr. K.V. Saste, APP for the State.

**CORAM : B.P. DHARMADHIKARI &
SMT. SADHANA S. JADHAV, JJ.**

DATE : 13th November, 2019

PC :

1. Heard learned APP. Learned APP has invited our attention to corresponding existing remission scheme on Eve of 125th birth anniversary of Dr. Babasaheb Ambedkar.

2. Learned Sessions Court, Ratnagiri on 13.6.2017 submitted negative recommendation as prisoner has been convicted under Section 363, 366, 369, 302 and 201 of the Indian Penal Code.

3. After the recommendation the competent authority namely Superintendent of Nashik Road Central Prison has looked into the matter and has pointed out that in POCSO case No.45/2014 the Additional

Sessions Judge, Ratnagiri on 24.7.2015 sentenced the prisoner for seven years imprisonment. Learned APP has rightly pointed out that in view of the clarification that the remission has been made available for some offences in I.P.C., as here offence under Section 4 of the POCSO Act is involved, remission cannot be granted. We accept the argument advanced by the APP and dismiss the present petition.

4. Order be communicated to the prisoner in Jail.

(SMT. SADHANA S. JADHAV, J.)

(B.P. DHARMADHIKARI, J.)