

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4418 OF 2019

Salim Abdul Razzak Baig
V/s.
The State of Maharashtra

...Petitioner

....Respondent

Ms. Nasreen Ayubi, Advocate for the petitioner.

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

**CORAM : B.P. DHARMADHIKARI, &
SANDEEP K. SHINDE, JJ.**

Tuesday, 15th October, 2019.

P.C. :

1. Heard learned Counsel for the petitioner and learned APP.

2. Perused the Government Resolution dated 3rd June, 2018, negative Recommendation dated 20th December, 2017 submitted by Additional Sessions Judge, City Civil and Sessions Court, Greater

Bombay, as also, judgment of Division Bench of this Court reported at **(2019) All M.R. 1125 (Satish Dada Londhe V/s. State of Maharashtra)**.

3. The benefit of state remission on account of 125th Birth Anniversary of Dr. Babasaheb Ambedkar has been denied to petitioner on the ground of negative Recommendation by convicting Court. Convicting Court has looked into nature of offence and finds that conviction is maintained by High Court. Division Bench judgment of this Court (supra) shows that, convicting Court should have applied mind in terms of State Policy permitting such remission floated on 3rd June, 2017.

4. Negative Recommendation does not look into State Policy at all. In State Policy dated 3rd June, 2017 only in six contingencies, benefit of State remission can be declined. Prima-facie we find that the facts looked into by Convicting Court do not fall for in any of the six contingencies.

5. In this situation, we direct the Superintendent, Kolhapur Central Prison, to take suitable decision on request of petitioner in accordance with law within four weeks after communication of this order to him.

6. With these directions, we dispose off the Writ Petition.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)