

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4886 OF 2019

Kumar Chinnu Devendra through jail ... Petitioner

Versus

The State of Maharashtra ... Respondent

Mr. Kartik Garg for the petitioner.

Mr. S.R. Shinde, APP for the State.

CORAM : B.P. DHARMADHIKARI &
NITIN R. BORKAR, JJ.
DATE : DECEMBER 12, 2019

P.C.:

Heard learned counsel for the petitioner (appointed) and learned APP for the State. Perused the recommendation from the City Civil Court and Additional Sessions Judge, Mumbai dated 20/08/2019.

2. After describing the nature of offence, the said Court has held the petitioner not entitled to remission.

3. The said letter dated 20/08/2019 does not contain reference to remission scheme of which the benefit has been sought.

4. The remission scheme floated on account of 125th Birth Anniversary of Dr. Babasaheb Ambedkar initially mentions certain offences for which remission could not have been given. This has

been modified on 19/11/2018. However, that modification is not relevant for the present matter.

5. The remission scheme as floated on 3/6/2017 does not give remission for the convicts under sections 121 to 130 of IPC. In other words, the benefit is available to to other convicts in IPC matters.

6. The prisoner before this Court has been convicted under sections 376(2)(g), 324, 506(ii) read with section 34 IPC. Thus the benefit of remission scheme cannot be denied to him.

7. In this situation, we direct the competent authority to extend to him that benefit in accordance with law.

8. Petition is thus allowed and disposed of.

(NITIN R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)