

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

CRIMINAL WRIT PETITION NO. 5363 OF 2019

Mahadeo Laxman Sarane.

...Petitioner

Versus

The State of Maharashtra & ors.

...Respondents

Mr. N.N. Gawankar, a/w. Mr. Manas N. Gawankar, advocate for the Petitioner.

Dr. F.R. Shaikh, APP for State.

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

DATE : NOVEMBER 28, 2019.

P.C.:

- 1 This Court has on 18/11/2019 passed following order :
- “ Submission is the petitioner-prisoner who has about 3-4 months more to complete prison punishment got knowledge of order dated 13/1/2017 in Writ Petition No.5076/2019 on 11/10/2019. There the remission cut of 90 days has been ordered which is arbitrary and unwarranted.
2. Issue notice to respondent returnable on 28/11/2019. Learned APP waives service of notice for Respondent/State.”

- 2 Learned APP today has produced Nominal Roll. It is

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taken on record at Exh. A. As per said nominal roll, the petitioner is to be released after completing prison term on 1st April, 2020.

3 This petitioner has earlier approached this court in Writ Petition No. 5076 of 2019 seeking benefit of remission under 125th Birth Anniversary of Dr. Babasaheb Ambedkar Remission Scheme. On 11/10/2019 while disposing of Writ Petition No. 5076 of 2019 this Court has requested convicting court i.e. High Court, Principal Seat at Bombay to expedite action and submit appraisal report to respondent No. 2. This appraisal report from High Court is still not received by the respondent No. 2.

4 The prisoner like petitioner gets remission of 90 days under the above mentioned scheme. If that remission is allowed, his date of release works out to 2nd January, 2020.

5 In this situation, we declare that prisoner who has been convicted by High Court on 8/7/2005 for offence under section 302 read with section 34 of the Indian Penal Code is entitled to the benefit of the said remission.

6 Even otherwise this prisoner was released on parole of
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30 days in October, 2006. He then sought extension of 30 days and it was allowed. Thereafter, he sought second extension of 30 days. His second extension remained pending and as period of 30 days expired, he voluntarily reported back. Thereafter, an order on request of second extension was passed. Instead of 30 days he was given only 15 days. With the result, he has reported late. For that late reporting, the punishment of cut in remission of 5 days for each day of late reporting has been inflicted.

7 Though learned Counsel for the petitioner has attempted to demonstrate highhandedness in the process and requested for quashing that order, in the light of remission granted (supra) and the date of release worked out, we are not inclined to interfere after a lapse of more than 13 years. We find substance in the contention of the learned APP that intervention at the belated stage should not encouraged.

8 Accordingly, with direction to respondent to release the prisoner-petitioner on 2/1/2020, we partly allow the writ petition and dispose it of.

(SMT. SADHANA S. JADHAV, J) (B.P. DHARMADHIKARI, J)

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