

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

CRIMINAL WRIT PETITION NO. 6007 OF 2019

Bhaskar Chandar Londhe. ...Petitioner.

Versus

The State of Maharashtra. ...Respondent.

WITH
CRIMINAL WRIT PETITION NO. 6008 OF 2019

Hari Ishwara Patil. ...Petitioner.

Versus

The State of Maharashtra. ...Respondent.

None for the Petitioners.

Dr. F.R. Shaikh, APP for State in WP 6007/19.

Mr. K.V. Saste, APP for State in WP 6008/19.

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

DATE : DECEMBER 4, 2019.

P.C.:

1 Heard respective APP. Perused communication sent by Acting Superintendent of Yerwada Central Prison, also seen order dated 20th March, 2018 in Criminal Writ Petition No. 38 of 2018.

2 Prisoner has been convicted in Session Case No. 15 of 2008 under section 302, 326 read with section 34, 324, 452,

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read section 34 of the Indian Penal Code on 9/7/2010.

3 He is seeking benefit of remission granted by Government Resolution dated 3/6/2017 on the occasion of 125 Birth Anniversary of Babasaheb Ambedkar. Communication sent by Acting Superintendent points out the adverse recommendation by Additional Sessions Judge, Karad i.e. convicting court. This Court has already found that conviction under these section of Indian Penal Code does not bar convict from seeking benefit of remission.

4 Adverse report submitted by convicting court can be considered by the concerned Superintendent of Jail. In this situation, in the light of law laid down we find prisoner entitled to benefit of remission scheme. We direct the Superintendent of Yerwada Central Prison to look into the matter and pass suitable orders within 6 weeks from the date of communication of this order. Petition allowed and disposed of.

5 Order be communicated to the prisoner in jail.

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

Talwalkar