

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.141 OF 2019

(Mahesh Janardhan Gonnade vs. The State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri S.D. Chande, Advocate for petitioner.

Shri M.K. Pathan, Additional Public Prosecutor for
respondents.

CORAM : P.N. DESHMUKH AND
 PUSHPA V. GANEDIWALA, JJ.

DATED : JUNE 25, 2019

The prayer in this petition is to issue directions to respondents to grant two years and six months' remission to petitioner.

Admittedly, such remission as per Government Resolution dated 6/8/1997 2017 is granted to the petitioner. As such, the only question is for grant of remission to petitioner with reference to other two Government Resolutions dated 4/11/1988 and 15/4/1991.

The petitioner is found convicted for the offence punishable under Section 302 of Indian Penal Code and is undergoing life imprisonment. On completion of 50th year of independence, State Government granted special remission to the prisoners by issuing Government Resolution dated 6/8/1997, which remission as aforesaid is already granted to the

petitioner.

It is the case of the respondents that Government Resolutions dated 4/11/1988 and 15/4/1991 mention about grant of special remission only to convicted persons and as such, do not mention if they can be applied to under-trial prisoners or those, who are on bail. Therefore, respondent no.4 has forwarded communication dated 10.4.2019 to respondent no.1 seeking such clarification, which is stated to be still under consideration.

In that view of the matter, instead of keeping the petition pending, same can be disposed of by issuing directions to respondent no.1 to consider the aforesaid communication received from respondent no.4 expeditiously and preferably within two months from the date of receipt of writ of this Court.

The petition is disposed of in the above terms.

JUDGE

JUDGE

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