

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

CRIMINAL WRIT PETITION NO.162 OF 2019

(SANJAY VITTHAL PACHGHARE...VS.. STATE OF MAHARASHTRA, THR. SECRETARY & ANR.)

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

Court's or Judge's orders

Shri R.R.Dawda, Advocate (appointed) for Petitioner.
Shri T.A.Mirza, A.P.P. for Respondents

CORAM : Z.A.HAQ AND VINAY JOSHI, JJ.
DATED : APRIL 23, 2019.

Heard.

2. By this petition, the petitioner has prayed that the Sessions Court be directed to consider the proposal for grant of remission to the petitioner as per Government Resolution dated 3rd June 2017.

3. In response to the notice issued by this Court, the respondents have filed reply and along with it copy of the judgment delivered by Division Bench of this Court in Criminal Appeal No. 47 of 2002 on 5th February/10th March 2015 is placed on record. By this judgment, this Court had disposed the appeal filed by the present petitioner holding that the petitioner/accused is guilty of commission of offence punishable under Section 306 of the Indian Penal Code. In paragraph 20 of the judgment, this Court sentenced the accused to undergo rigorous imprisonment for ten years with no facility of remission.

4. In view of the conclusions of this Court recorded in the judgment given in Criminal Appeal No. 47 of 2002, the claim of the petitioner for grant of remission cannot be considered.

5. We are conscious that the Government Resolution dated 3rd June 2017, on the basis of which the petitioner is seeking remission was not in existence when Criminal Appeal No.47 of 2002 was decided. However, considering the conclusions of this Court while deciding the criminal appeal, we are not inclined to show any indulgence in the matter.

The writ petition is **dismissed**.

The fees of the Advocate appointed to represent the petitioner shall be quantified as per Rules.

(VINAY JOSHI, J.)

(Z.A.HAQ, J.)

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