

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

CRIMINAL WRIT PETITION NO.242 OF 2019
(Umesh Ramesh Tiwari vs. The State of Maharashtra and another)

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

Shri M.N. Ali, Advocate for petitioner.
Mrs. N.R. Tripathi, Additional Public Prosecutor for
respondents.

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

DATED : JUNE 4, 2019

Heard learned Counsel for the parties.

The only prayer in this petition is to issue
direction to respondent no.1 to take decision if petitioner
is entitled for categorization.

The petitioner is undergoing sentence for the
offence punishable under Section 302 of Indian Penal
Code and is in Jail since June 2004 and as such, has
undergone more than 14 years of actual sentence and 20
years with period of remission. The petitioner,
therefore, claims himself eligible to be categorized as per
provisions of Rule 6 of the Maharashtra Prison (Review
of Sentences) Rules, 1972, which contemplates that life
convicts should be categorized after 12 years of actual
sentence.

The affidavit-in-reply of the respondents
reveals that the case of petitioner is already

recommended by learned Sessions Judge, Amravati for categorization as per Clause 3(b) of the guidelines issued by the State Government on 15/3/2010 and such recommendation along with report of Inspector General of Prisons has been forwarded to State Government for due consideration on 22/3/2017. However, till date decision on such recommendation is not taken.

Having considered facts as aforesaid and recommendation is of 22/3/2017 and period of more than two years has lapsed, following order is passed :

The respondent no.1 is directed to take decision on the recommendation forwarded to State Government vide communication dated 22/3/2017 expeditiously and in any case within a period of three weeks from the date of receipt of writ of this Court. The petition is allowed accordingly.

The fee payable to learned Counsel appointed for petitioner is quantified as rupees fifteen hundred.

JUDGE

JUDGE

khj