

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

CRIMINAL WRIT PETITION NO. 814 OF 2019

(RAJU DATTARAO PAWAR..VS.. THE STATE OF MAH. THR. SECRETARY HOME AND OTH.)

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

Court's or Judge's orders

Shri N.M.Kolhe, Advocate (Appointed) for Petitioner.
Shri T.A.Mirza, A.P.P. for Respondents.

CORAM : Z.A.HAQ AND
M.G.GIRATKAR, JJ.

DATED : NOVEMBER 28, 2019.

Heard.

By order dated 6th August 2018, the respondent No.1/State has directed that the petitioner will be entitled for remission only after he undergoes sentence of 26 years of imprisonment, treating the petitioner in category 2(c) of the revised Guidelines incorporated in Government Resolution dated 15th March 2010 and in category 1(d) of the Guidelines incorporated in the Government Resolution dated 11th May 1992. The contention of the petitioner is that he should have been treated to be in the category 1(a) of the Guidelines incorporated in the Government Resolution dated 11th May 1992 and in Category 2(a) of the Guidelines incorporated in the Government Resolution dated 15th March 2010 and it should have been held that he would be entitled for remission after undergoing imprisonment for 14 years.

Paragraph No.11 of the judgment passed by the Sessions Court convicting the petitioner is referred by the

learned Advocate for the petitioner and it is argued that the crime was committed by the petitioner in heat of anger and without any premeditation.

The learned A.P.P. has pointed out paragraph No.9 of the judgment passed by the Sessions Court convicting the petitioner in which it is recorded that the victim died of shock due to 98% burn injuries. The learned A.P.P. submitted that the crime was committed by the petitioner with brutality and death of the victim was caused due to burns, therefore, the petitioner is rightly categorized in category 2(c) as per the guidelines incorporated in the Government Resolution dated 15th March 2010 and in Category 1(d) as per the guidelines incorporated in Government Resolution dated 11th May 1992.

After examining the rival contentions, we find that the impugned order is proper, having been passed rightly appreciating the relevant provisions of the Guidelines incorporated in the above referred two Government Resolutions. The learned A.P.P. has rightly relied on paragraph No.9 of the judgment by which the petitioner is convicted.

We see no reason to interfere with the impugned order. Hence, the petition is **dismissed**. No costs.

JUDGE

JUDGE