

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

Criminal Writ Petition No.1086 of 2018

**Suresh son of Harikisan
Markam,**
Convict No. C-4771, detained in
Central Prison, Amravati.

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Petitioner

Versus

1. State of Maharashtra,
through Home Department,
Mantralaya,
Mumbai-32.

2. Superintendent of
Central Prison,
Amravati.

.....

Respondents

Mrs. N. S. Khope, Adv. [appointed] for the petitioner.

Mr. Balpande, Addl. Public Prosecutor for the respondents.

**CORAM : S. B. SHUKRE AND
S. M. MODAK, JJ.**

Date : 15th January, 2019

ORAL JUDGMENT [Per S. B. Shukre, J.]:

01. Heard. **Rule.** Rule is made returnable forthwith. Heard finally by consent.

02. We have gone through the reply of the respondent-State and also the opinion of the learned Additional Sessions Judge who has convicted the petitioner in this matter. The petitioner has been convicted of the offences punishable under Sections 396 and 397 of Indian Penal Code, and awarded life imprisonment. Such a nature of the punishment handed out to the petitioner shows that he falls in the category of the convicts who are eligible for getting remission of three months in terms of the Govt. Resolution dated 3rd June, 2017. Of course, this benefit would be actually made available as per this Govt. Resolution only after suffering of the minimum term of the imprisonment. But, fact remains that this petitioner falls in the category of the prisoners eligible for getting the remission in the sentence as per the Govt. Resolution dated 3rd June, 2017. If this is so, we see no reason to reject this petition.

03. The petition is allowed. It is declared that the petitioner is entitled to receive remission in his sentence in terms of the Govt. Resolution dated 3rd June, 2017 upon actual suffering of a minimum term as imprisonment. The benefit be accordingly given to the petitioner. In this term, the petition is allowed and the Rule is made absolute. Disposed of accordingly.

04. Amount of Rs.3,000/- [rupees three thousand only] be paid as remuneration to the learned counsel for the petitioner.

Judge

Judge

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