

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Writ Petition No. 1204 of 2018.

(Shambhu Ramchandra Uikey, Convict No. C-5519, detained in Central Prison, Nagpur Vs.
State of Maharashtra, Thr. its Secretary, Mantralaya, Mumbai & Anr.)

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

Court's or Judge's Orders.

Mrs. D.I.Charlewar, Advocate for petitioner (Appointed).
Ms. N.R.Tripathi, APP for State.

CORAM : P.N.DESHMUKH &
MRS. PUSHPA V. GANEDIWALA, JJ.

DATE : 10.06.2019.

In this petition, the petitioner sought benefit of remission in terms of the Government Resolution dated 03/06/2017 as amended by the Government Resolution dated 19/11/2018.

2. It is stated that the petitioner is undergoing a sentence of life imprisonment for the offence punishable under Sections 302 and 376 of the Indian Penal Code. Till date, the petitioner has almost undergone 17 years of jail term. His application for benefit of remission in terms of the aforesaid Government Resolution was rejected by the respondent no.2 on the ground of seriousness of the offence he has committed.

3. We have heard the counsel for both the parties and perused the record. At the outset, there is no dispute that the petitioner, as per the aforesaid Government Resolution, is entitled for benefit of remission for a period of 3 months as the case of the petitioner does not fall in any of the exceptions as listed in the aforesaid Government Resolution to dis-entitle him for the benefit

of remission. The learned Sessions Judge, Nagpur did not consider the material terms in the aforesaid Government Resolution and gave his opinion in the negative.

4. In view of the judgment of the Division Bench of this Court in the case of Satish Dada Londhe Vs. The State of Maharashtra [2019 ALL MR (Cri) 1125], we find that the petitioner is entitled for benefit of remission as per the aforesaid Government Resolution.

5. In the circumstances, the petition must succeed and we pass the following order:

ORDER

(a) We direct the State Government to consider the case of the petitioner for grant of remission in terms of the Government Resolution dated 03/06/2017 as amended by the Government Resolution dated 19/11/2018, within a period of one month from the date of receipt of copy of the order.

(b) Fees of the Advocate for the petitioner is quantified at Rs.1,500/- (one thousand five hundred) only.

(c) The Writ Petition is disposed off accordingly.

JUDGE

JUDGE