

HON'BLE SRI JUSTICE P.KESHA VA RAO

W.P.No.38810 of 2013

ORDER:

There is no representation on behalf of the petitioner.

2. The prayer sought in this Writ Petition is as under:

“.....to issue Writ of Mandamus declaring the case of the convicts viz., 1) Bonthu Lakshman and 2) Banothu Ramulu, serving out their life imprisonment in the 2nd respondent-Central Prison Warangal, is not hit by para-4 clause xii of the G.O.Ms.No.220 Home (Parole) Department dt.28-09-2013, passed by 1st respondent and consequently direct the 2nd respondent to forthwith release the said convicts herein from the 2nd respondent-Jail.”

3. Learned Government Pleader, appearing for the respondents, filed counter affidavit of the 2nd respondent as well as the Written Instructions dt.19-12-2019 issued by the Superintendent, Central Prison, Warangal.

4. From the perusal of the said written instructions, it is revealed that the convicts were sentenced to under go R.I. for two years and to pay fine of Rs.500/-, in default, S.I. for two months, for the offence under Section 148 IPC and further sentenced to undergo imprisonment for life and to pay fine of Rs.1,000/-, in default, S.I. for 3 months for the offence under Section 302 IPC in S.C.No.968 of 2001 on the file of IV Additional Sessions Judge, Mahabubabad, dt.29-06-2004. On appeal, the conviction and sentence under Section

302 IPC are confirmed. However, the conviction and sentence under Section 148 IPC were set aside by this Court vide CrI.A.No.1248 of 2004 dt.21-08-2006.

5. From the perusal of the said G.O., it is revealed that as per para-4 (xii) of the said order, a person who kills more than one person is not eligible for grant of a special remission. Since the convicts have murdered two persons, they are not eligible for grant of special remission and accordingly, their names were not placed before the Committee for grant of special remission. However, later, the petitioners viz., Bonthu Lakshman and Bonthu Ramulu are released on grant of special remission on 29-03-2016 vide said G.O., after fulfilling the conditions laid down in G.O.Ms.No.16 Home (Legal) Department, dt.17-02-2016.

6. In that view of the matter, this Court is of the opinion that no further cause survive in the Writ Petition and the same is liable to be closed.

7. Accordingly, the Writ Petition is closed. No costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE P.KESHA RAO

Date: 23-12-2019
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