

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.6009 OF 2019

Ayub Jafarsab Sagari

...Petitioner

vs.

The State of Maharashtra and Ors.

...Respondents

Indu Varma for the Petitioner.

Mr. K. V. Saste, APP for the Respondent/State.

Mr. M. D. Hore, Jailor Gr.-II, Kolhapur Central Prison.

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.**

DATE : 7/2/2020.

PC.:

. Heard learned counsel (appointed) and learned APP Order dated 13/9/2019 passed by the State Government putting the petitioner under 26 years category as per Annexure-I(2) (c) of the Guidelines dated 15/3/2010 is assailed.

2. We have perused that order as also recommendation of convicting Court dated 26/7/2016. The recommending Court has found that murder was committed with premeditation and therefore the case was under 2(a) of GR dated 11/4/2018 it therefore advised imprisonment for 20 years.

3. In impugned order State Government has considered facts and found that the murder was covered under category 2(c) of 2010 Guidelines

4. Category 2 (c) deals with crimes committed with exceptional

violence or with brutality or when death of victim is due to burns.

5. The facts of the matter show that illicit relations between deceased and accused was known to husband of deceased.

6. On 17/11/2020 accused went to place where deceased was working and then both of them returned to house of deceased, quarrel took place and accused abused and beat her. He then poured kerosene and set her on fire. Thereafter he also tried to extinguish fire and he sustained injuries on his person in the process. He carried injured to Civil hospital for medical treatment.

7. It appears that it is in this backdrop the convicting Court had directed total imprisonment for 20 years.

8. Taking over all view of the matter, we find that it cannot be said that here crime has been committed with exceptional violence or brutality.

9. In this situation, we categorize the prisoner under 22 years category.

10. Accordingly, we modify the order dated 13/9/2019 and place the prisoner under category 2(b) of the Guidelines dated 15/3/2010.

11. Respondent to ascertain whether the prisoner has completed the said period and proceed further to release him. He has already completed 20 years in jail.

12. The petition is allowed and disposed of.

13. Order be served upon the prisoner in jail.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)