

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3485 OF 2018

Hirman Dagdu Murkute ... Petitioner

Versus

The State of Maharashtra ... Respondent

None for the petitioner.

Smt. Aruna Pai, APP for the respondent State.

**CORAM : B.P. DHARMADHIKARI &
NITIN R. BORKAR, JJ.**
DATE : JANUARY 16, 2020

P.C.:

Matter has been received through prison. Learned counsel (appointed) is reported to be no more. However, learned APP has assisted the court.

2. As per nominal role, petitioner/prisoner has already put in about 14 years 3 months and 16 days of actual imprisonment and 22 years, 4 months and 6 days with remission on 30/6/2018. Thus as of now, he may have completed about 24 years with remission.

3. The categorization carried out by the Authority shows that he has been placed in 26 years category and nominal role received by this court under the signature of the Superintendent,

Yerawada Open Prison shows 23rd February, 2020 is the possible date of release.

4. The Prisoner is claiming remission of 3 months as per the remission scheme floated on 3/6/2017 on the eve of 125th birth anniversary of Dr. Babasaheb Ambedkar. This remission is not recommended by the convicting court as it found that the prisoner has committed offence under section 302 read with 498A IPC and murdered his wife in a very cruel manner. This communication dated 28/6/2017 is prior to the clarification by the State Government which shows that in the offence under section 498A or 302 IPC, the remission as per scheme can be allowed.

5. Prima facie, at this stage, it appears that if this remission is granted, the prisoner may have overstayed in the prison. The letter sent by the Superintendent mentioned supra shows that the remission of three months should have been given to the prisoner but because of the opinion of the recommending court, it has not been implemented.

6. In this situation, we direct the Superintendent to extend him that benefit and work out his date of release accordingly. If he has already overstayed, he shall be released forthwith. This exercise be completed within a period of four weeks from today.

7. Registry to communicate this order to Superintendent of the concerned Jail and also copy be served on the prisoner in Jail.
8. Writ petition is accordingly disposed of.

(NITIN R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)