

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 5425 OF 2019

Angad Vitthal Gosavi

.. Petitioner

Vs.

The State of Maharashtra

.. Respondent

Mr. Vikas K. Singh for the Petitioner.

Mr. Sooraj S. Hulke, APP for the Respondent-State.

CORAM : B. P. DHARMADHIKARI, A.C.J. &
N.R. BORKAR, J.

DATE : 27th FEBRUARY, 2020.

P. C. :

1. Order dated 22.02.2018 categorising the Petitioner into 26 years category has been questioned with a submission that prisoner ought to have been placed in category 2(a) of Government Resolution dated 15.03.2010 and therefore he should be released after putting 20 years of imprisonment with remissions. Other contention is that he has now completed said period of 20 years. Learned APP submits that here the lady was set on fire after pouring kerosene and she died of burns. Therefore, prisoner has been rightly put in category 2(c) and has to suffer 26 years imprisonment.

2. The facts of the matter at hand show that accused had illicit relationship with the deceased and on the fateful day he demanded money from her which she refused. Because of this refusal, he poured kerosene on her person and set her on fire, on refusal.

3. In the order dated 11.03.2019 passed by this Court in Writ

Petition No. 5468 of 2017 facts looked into are little different. Copy of Judgment of conviction dated 02.02.2005 was not produced by the State Government for perusal of High Court despite grant of opportunity. The prisoner there had completed 23 years 5 months and 27 days and was claiming to be placed in category 2(c) of GR dated 15.03.2010.

4. The report of Research Officer of State Government in that matter indicated that the deceased had gone to the house of the Petitioner and demanded wages payable to her son Ganesh. The accused poured kerosene on her person and she was set on fire. This Court in this background found that murder was without premeditation and in individual capacity. It also found that therefore it needed to be categorised in category 4(a) of the above mentioned GR which speaks of murder for other reasons. It is obvious that the offence looked into in order dated 11.03.2019 (supra) is not offence relating to crimes against woman. This order has, therefore, no relevance in present matter.

5. Facts of the matter at hand clearly show that the offence is against the woman and it has arisen out of illicit love affair. The prisoner has not brought on record any extraneous circumstances. We, therefore, find Respondents are right in invoking Clause 2(c) of the policy decision mentioned supra. No case is made out. The Petition is rejected.

6. Order be served upon prisoner in jail.

[N. R. BORKAR, J.]

[ACTING CHIEF JUSTICE]