

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

WRIT PETITION NO. 5439 OF 2019

Raju Waman Salve

...Petitioner

Vs.

The State of Maharashtra

...Respondent

Mr. Aliabbas Delhiwala for petitioner.
Smt. Aruna S. Pai, APP for the State.

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

DATE : 14TH JANUARY, 2020.

P.C.:

Heard Learned Advocate (appointed) and Learned APP

2. Prisoner seeks benefit of remission of three months as per Remission Scheme floated on the eve of 125 Birth Anniversary of Dr. Babasaheb Ambedkar. The convicting Court has, on 7th September, 2018, found him not entitled to that remission.

3. Learned APP states that as on 31st August, 2019, the prisoner has put in total 12 years 5 months and 5 days of imprisonment. According to her, benefit of Remission Scheme can be extended after

order of his categorization passed by the Competent Authority. Categorization will be considered after prisoner puts in after 14 years of imprisonment. Nominal roll sent by Superintendent of Yerwada Central Prison shows that as on 31st August, 2019 with remission, he has completed 17 years and 6 months. Without remission, he had put in 12 years 5 months and 5 days.

4. The convicting Court has denied him benefit of remission only on the ground that he is convict under Section 302 of Indian Penal Code. The ground is, therefore, unsustainable.

5. In this situation, we find petitioner entitled to benefit of that scheme. The quantum of benefit shall be worked out after order of his categorization is passed by the authority.

6. With these directions, we dispose of the Writ Petition.

7. Order be communicated to prisoner in jail.

(N.R.BORKAR, J.)

(B. P. DHARMADHIKARI, J.)