

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 103 OF 2020

PETITIONER :- 1. Padmakar Gomaji Gajbhiye,
Convict No.C/9847

2. Nandkishor Bhaurao Bondare,
convict No.9848
Both R/o Valni Wasti,
Khaperkheda, Tah. Saoner, Dist.Nagpur.
(at present Central Prison, Nagpur.)

...VERSUS...

RESPONDENTS :-1. State of Maharashtra, through its Secretary,
Home Department, Mumbai-32.

2. Superintendent of Jail, Central Prison,
Nagpur,
District Nagpur.

Ms. S.B.Khobragade, counsel for the petitioners.
Mr.A.M.Joshi, APP for respondent nos.1 and 2.

CORAM : SUNIL B.SHUKRE &
AVINASH G. GHAROTE, JJ.

DATE : 28.10.2020.

ORAL JUDGMENT (Per : Sunil B.Shukre , J.)

1. Heard. Rule. Rule made returnable forthwith.
2. Heard finally by consent of the learned counsel

appearing for the parties.

3. It is seen from the reply of the respondents that the application of the petitioner seeking remission in his sentence in terms of G.R. dated 03.06.2017 could not be decided by the respondents, as the learned Additional Sessions Judge, Nagpur is yet to give his opinion in the matter. It is noted that the opinion of the learned Additional Sessions Judge, has been sought by the respondents vide their proposal dated 05.08.2020. If no opinion has been given by the learned Additional Sessions Judge, so far, it would be appropriate that he is directed to do so, as soon as possible.

4. In the result, the petition is partly allowed.

5. Learned Additional Sessions Judge, Nagpur, to whom, the proposal dated 05.08.2020 has been sent, he is directed to give his opinion in the matter in accordance with law, within a period of two weeks from the date of receipt of the order and upon receipt of the opinion of the learned Additional Sessions Judge, Nagpur, the respondents are further directed to decide the application of the petitioner within a period of two weeks

thereafter, in accordance with law.

Rule is made absolute accordingly. No costs.

JUDGE

JUDGE