

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

CRIMINAL WRIT PETITION NO. 721/2019

- 1] Mehboob Hussain Sheikh
(In Jail).
R/o. Repanpalli, Tah. Aheri,
District Gadchiroli
Convict No.C/17, Open Prison,
Nagpur District Nagpur.

.... **PETITIONER**

// **VERSUS** //

- 1] State of Maharashtra, through
its Secretary, Home Department,
Mantralaya, Mumbai-32.
- 2] Inspector General (Prisons),
Pune (Maharashtra)
- 3] The Superintendent of Open
Prison, Nagpur, District Nagpur.

.... **RESPONDENT(S)**

Ms. S.B. Khobragade , counsel for the petitioner.
Shri T.A. Mirza, learned A.P.P for the State.

CORAM : V.M. DESHPANDE & ANIL S. KILOR, JJ.
DATED : 26/10/2020

JUDGMENT : (PER:- V.M. DESHPANDE, J.)

- 1] **RULE.** Rule made returnable forthwith. Heard finally by consent
of learned counsel for the parties.

2] Heard Ms. S.B. Khobragade, learned counsel for the petitioner and Shri T.A. Mirza, learned A.P.P. for the respondent.

3] By the present petition, directions are sought against the respondents that they shall decide the categorization of the petitioner and shall release him from jail.

4] The State has filed reply which is affirmed by Superintendent of Central Prison, Nagpur. Along with reply, the State has filed the order dated 03/08/2020 to point out that the State has already passed the order categorizing the petitioner and he is put in category 2 (c) as per the Government Resolution dated 15/03/2010.

5] The petitioner was convicted in Sessions Trial No. 96/1994 by learned 1st Ad hoc Additional Sessions Judge, Gadchiroli and petitioner was convicted for the offence punishable under Sections 302, 498-A read with 34 of the Indian Penal Code vide judgment dated 04/04/2005. The petitioner was given life imprisonment for committing the offence punishable under Section 302 whereas punishment of 3 years was for an offence punishable under Section 498-A of the Indian Penal Code. The petitioner was convicted for committing murder of his wife deceased Sabera Begum by setting her ablaze.

6] As per the Government Resolution dated 15/03/2010 which is known as “Guidelines for premature release under the “14 year Rule” of Prisoners serving life sentence”. Clause-2 of Annexure-I of said guidelines relates to offence relating to crime against women and minor. Sub Clause-(c) of Clause-2 of Annexure-I of Guidelines deals with a situation where the crime is committed with exceptional violence and or with brutality or death of victim due to burns. In such cases, period of imprisonment to be undergone including remission is of 26 years.

7] The petitioner was convicted by the learned 1st Ad hoc Additional Sessions Judge, Gadchiroli in Sessions Case No.96/1994 for committing murder of his wife by setting her ablaze due to which she died. Therefore, the case of the petitioner is squarely covered by the aforesaid Clause. In our view, the State has properly categorized the petitioner. Therefore, there is no merit in the writ petition.

The Writ Petition is dismissed. Rule is discharged.

JUDGE

JUDGE