

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WP NO. 1116/2019

Kundan N. Pendore

..VS..

State of Maharashtra & anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.M. Shambharkar, Advocate (appt.) for the petitioner
Shri T.A. Mirza, APP for the respondents

CORAM : Z.A.HAQ & AVINASH G. GHAROTE, JJ.
DATED : 07/08/2020

Heard learned advocate for the petitioner and
learned APP for the respondents.

By this petition, the petitioner has prayed that the respondents be directed to grant three months remission as per the policy of the Government of Maharashtra incorporated in the resolution dated 03/06/2017.

According to the petitioner, the claim of the petitioner is rejected wrongly on the ground that remission cannot be granted to the convicts under the Central Enactments.

After going through the government resolution, we find that the entitlement of the convict for remission arises in case of convict undergoing life imprisonment, after completion of 14 years of imprisonment. Undisputedly, the

petitioner is convicted by the Sessions Court by the judgment dated 06/04/2014. The petitioner has neither pleaded nor has placed any document on record to show that he has completed 14 years of imprisonment. Hence, we find that the claim of the petitioner at this stage is pre-mature and we decline to entertain the petition.

The petition is **dismissed** with liberty to the petitioner to make the claim after he fulfills the requirement as recorded above, as per the government resolution.

Fees of the advocate appointed to represent the petitioner be paid as per the Rules.

JUDGE

JUDGE