

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

CRIMINAL WRIT PETITION NO.81/2020

Sanjay Shankarrao Hole,
Convict No.B-4841, detained in
Central Prison, Amravati.

..Petitioner.

..Vs..

1. State of Maharashtra,
through it's Secretary,
Home Department,
Mantralaya, Mumbai - 32.

2. The Superintendent of Central
Prison, Amravati.

..Respondents.

Shri A.S. Siddiqui, Advocate (appointed) for the petitioner.
Ms N.R. Tripathi, A.P.P for respondent Nos.1 and 2.

**CORAM :- SUNIL B. SHUKRE AND
AVINASH G. GHAROTE , JJ.**

DATED :- 21.1.2021

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

1. Heard. **Rule.** Rule made returnable forthwith. Heard finally
by consent.

2. The petitioner has been denied benefit of one time remission
decided to be given to all the prisoners undergoing sentence as of
14.4.2016 in order to celebrate 125th birth anniversary of Dr.
Babasaheb Ambedkar, on the ground that the petitioner has been

convicted and sentenced to suffer imprisonment for an offence of cruelty punishable under Section 498-A of the Indian Penal Code. However, on going through the Government Resolution dated 3.6.2017 granting such one time benefit, it is clearly seen that there is no disqualification declared for the convicts under Section 498-A of the Indian Penal Code to avail of the benefit. Therefore, such denial by the prison authority is not consistent with the spirit of Government Resolution dated 3.6.2017.

3. In the reply, in paragraph 2, date of conviction of the petitioner has been stated to be 29.11.2018 and initially this date had influenced us to deny the benefit of the Government Resolution dated 17.6.2017 to the petitioner as the benefit is available only to the prisoners suffering imprisonment as of 14.4.2016. But we must appreciate the assistance given by the learned appointed counsel in timely pointing out to us that the date of the conviction mentioned in the reply of the state is wrong and the petitioner has been actually convicted on 18.2.2004, which is evident from the letter dated 8.3.2019 written by the Ad-hoc District Judge-1 and Additional Sessions Judge, Amravati to the Jail Superintendent, Amravati. So, there is no dispute about the fact that the petitioner is eligible for availing of the benefit of Government Resolution dated 3.6.2017. In

the result, the impugned action of the respondent is hereby quashed and set aside. The petitioner is directed to be granted benefit of Government Resolution dated 3.6.2017 according to the category and the period for which he would be entitled in terms of this Government Resolution dated 17.6.2017. Rule made absolute accordingly. The learned appointed counsel be paid legal remuneration of ₹3,000/- (₹ Three Thousand Only).

JUDGE

JUDGE

Tambaskar.