

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

CRIMINAL WRIT PETITION 373/2021

Kanyaiyya Jawahar Pal .VS. State of Maharashtra through its Secretary,
Department of Home, Mantralaya, Mumbai-32 and Ors.

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

Court's or Judge's orders.

Mrs. D. I. Charlewar, Advocate for petitioner.
Mrs. N. Tripathi, A.P.P. for respondents.

CORAM : V.M. DESHPANDE AND AMIT B. BORKAR, JJ.

DATED : AUGUST 23, 2021

By this petition under Articles 226 and 227 of the Constitution of India, the petitioner is seeking a direction to decide representation dated 25.10.2020, pending before respondent no.2 and further direction to grant remission of three months to the petitioner, in view of Government Resolution dated 03.06.2017

Respondent no.2 has filed reply stating that the petitioner has been convicted for the offence punishable under Sections 376, 506 of the Indian Penal Code read with Section 3, 4 and 6 of the Protection of Children From Sexual Offences Act, 2012 and therefore, the petitioner is not entitled for the benefit of remission. Respondent no.2 has placed on record copy of Government Resolution dated 03.06.2017. Third clause of the said resolution and in particular sub clause (iii), disqualifies a person having been convicted for the offence under the Central Act.

From the reply filed by respondent no.2, it appears that in addition to the petitioner being convicted for an offence punishable under Sections 376 and 506 of the IPC, the petitioner has also been convicted for the offence under Sections 3, 4 and 6 of the POCSO Act. Therefore, the petitioner is not entitled for remission, as prayed for. There is no merit in the petition. The same is, therefore, dismissed.

Mrs. D. I.Charlewar, learned counsel appointed to represent the petitioner shall be paid an amount of Rs.1500/- towards her professional fees and expenses by the High Court Legal Services Sub Committee, Nagpur.

JUDGE

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