

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

**CRIMINAL WRIT PETITION NO.615 OF 2021**

Maroti s/o Shivam Nilekar,  
Aged about 29 years, Occ- Cultivation,  
R/o Amirza, Tq. and Dist. Gadchiroli.

**.....PETITIONER**

**...V E R S U S...**

1. The State of Maharashtra,  
Through its Secretary, Home  
Department, Mantralaya, Mumbai-32.
2. The Superintendent of Central  
Prison, Nagpur Central Jail,  
Nagpur.

**....RESPONDENTS**

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Shri Abdul Subhan, Advocate (appointed) for petitioner.  
Shri S.S. Doifode, A.P.P. for respondents.  
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**CORAM:- M.S. SONAK AND PUSHPA V. GANEDIWALA, JJ.**  
**DATE :- 15<sup>th</sup> NOVEMBER, 2021**

**ORAL JUDGMENT (PER : PUSHPA V. GANEDIWALA, J.)**

**Rule.** Rule is made returnable forthwith. Heard finally  
with consent of learned counsel for both the parties.

2. By way of this petition, the petitioner/convict who is  
undergoing sentence of ten years for the offence under Section  
376(2)(g) of the Indian Penal Code, seeks remission of sentence  
for a period of three months in terms of Notification dated

06.06.2017 issued on the occasion of 125<sup>th</sup> birth anniversary of Dr. Babasaheb Ambedkar.

3. We have perused the petition, aforesaid notification so also the opinion of the learned Sessions Judge, Gadchiroli dated 07.06.2021. As per aforesaid notification, a convict who is undergoing sentence for a period of more than five years and upto life imprisonment, is entitled for remission of three months in his sentence, provided his case does not fall under any of the exceptions as provided in the said notification.

4. We are satisfied that the case of the petitioner does not fall in any of the exceptions as provided in the aforesaid notification. It is unfortunate that the learned Sessions Judge has not considered at all the benefit extended to the convict in the aforesaid notification.

5. In this view of the matter, we allow the petition. The respondents are directed to extend the benefit of the aforesaid notification to the petitioner i.e. remission for a period of three months in his sentence.

6. We appreciate the assistance provided by Shri Abdul Subhan, learned counsel in this matter. We quantify the legal fees to the learned counsel Shri Abdul Subhan at Rs.2,500/-

Rule is made absolute in above terms. The petition stands disposed of. No costs.

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)

*Wagh*