

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

CRIMINAL WRIT PETITION NO.667 OF 2021

Pranav Tukaram Borse,
Aged 30 years,
At present Nagpur Central Jail
C-10304.

.....PETITIONER

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

1. The State of Maharashtra,
Law and Judiciary Department,
Mantralaya, Mumbai.

2. The Superintendent (Prison),
Nagpur Central Jail.

....RESPONDENTS

Shri S.M. Thakare, Advocate (appointed) for petitioner.
Shri V.A. Thakare, A.P.P for respondents.

CORAM:- M.S. SONAK AND PUSHPA V. GANEDIWALA, JJ.
DATE :- 23rd 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 7 years under Sections 307, 37, 427, 504,
506, 34 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 125th birth anniversary of Dr.
Babasaheb Ambedkar.

3. We have perused the petition, aforesaid notification so also the opinion of the learned District and Additional Sessions Judge-5, Nashik dated 15.03.2021. 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. We do not see any good reason for not extending the benefit in terms of the aforesaid notification to the petitioner. It is unfortunate that the learned Sessions Judge has not considered at all the benefit to be extended to the convict in terms of 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 S.M. Thakare, learned counsel in this matter. We quantify the legal fees to the learned counsel Shri S.M. Thakare at Rs.1,500/-.

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

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)

Wagh