

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

CRIMINAL WRIT PETITION NO.542/2018

Mukesh s/o Ramji Yadav,
(In Jail) Aged about 45 years,
Convict No. C- 7063,
Central Prison, Nagpur.

.... **PETITIONER**

// VERSUS //

- 1) State of Maharashtra
Through it's Secretary,
Home Department, Mantralaya,
Mumbai – 32.
- 2) Inspector General of Prisons,
Pune, Maharashtra.
- 3) The Superintendent of prison,
Central Prison, Nagpur.

.... **RESPONDENTS**

Shri N. Samundre, Advocate for the petitioner.
Shri N. R. Patil, APP for the respondents.

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

DATED : 04/01/2021

ORAL JUDGMENT : (Per : SUNIL B. SHUKRE, J.)

1. Heard. **Rule.** Rule made returnable forthwith.

2. Heard finally by consent of the learned counsel appearing for the parties.

3. The petitioner is aggrieved by his categorization for the purpose of pre-mature release under category 4(e) of the Government Resolution dated 15th March 2010. According to the learned counsel for the petitioner, the deceased was attacked and killed by the petitioner alongwith his associates on account of a family dispute and therefore proper category to be applied to the case of the petitioner should have been 3(b) of the Government Resolution 15th March, 2010.

4. Category 3(b) of the said Government Resolution enables the petitioner to seek his pre-mature release on actually undergoing imprisonment of 22 years while category 4 (e) enables such a prisoner to secure his release on actually completing his imprisonment for 26 years.

5. In the instant case, after going through the judgment of conviction and sentence, we find that what was at stake was not any family dispute but a primitive instinct of revenge. This is evident from the narration of facts in paragraph 4 of the judgment of the 5th Additional Sessions Judge, Nagpur in Sessions Trial No. 176 of 1996.

Therefore, we are of the view that the categorization of the petitioner under category 4(e) of 15th March 2010 Government Resolution would be appropriate and it is also consistent with the categorization of the petitioner made by the respondent authorities. There is thus no merit in the petition. Writ Petition stands dismissed.

Rule is discharged.

(AVINASH G. GHAROTE, J)

(SUNIL B. SHUKRE J.)