

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

CRIMINAL WRIT PETITION NO.619 OF 2020

Lalit Ramesh Prabhawat,
Aged about 47 years,
Presently Detained in Open Prison
Gadchiroli, Dist. Gadchiroli.
Convict No.C-109.

....PETITIONER

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

1. The State of Maharashtra,
Through its Secretary, Home
Department, Mumbai.
2. The Superintendent of Prison,
Central Prison, Nagpur
3. The Superintendent of Prison,
Open Prison, Gadchiroli,
Dist. Gadchiroli, Maharashtra.

....RESPONDENTS

Shri Abhinav A. Pannase, Advocate (appointed) for petitioner.
Shri V.A. Thakare, A.P.P for respondents.

CORAM:- M.S. SONAK AND PUSHPA V. GANEDIWALA, JJ.
DATE :- 18^h 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 life imprisonment under Section 302,
120(b) 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 Additional Sessions Judge, Warora dated 25.09.2017. 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 Abhinav Pannase, learned counsel in this matter. We quantify the legal fees to the learned counsel Shri Abhinav Pannase 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