

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

CRIMINAL WRIT PETITION NO.624/2019

1. Omprakash Ramsingh Kokate,
aged adult, (presently at Central
Prison, Amravati) (C-4860).
2. Suraj Vilas Chaware,
aged adult, (presently at Central
Prison, Amravati) (C-4784).
3. Rahul Shridharrao Yadav,
aged adult, (presently at Central
Prison, Amravati) (C-4785).

..Petitioners.

..Vs..

1. The State of Maharashtra,
through the Secretary,
Home Department,
Mantralaya, Mumbai.
2. The Superintendent,
Central Prison, Amravati.

..Respondents.

Shri D.S. Lambat, Advocate (appointed) for the petitioners.
Ms H.N. Jaipurkar, A.P.P for respondent Nos.1 and 2.

CORAM :- SUNIL B. SHUKRE AND
AVINASH G. GHAROTE , JJ.
DATED :- 21.1.2021

ORAL JUDGMENT *(Per Sunil B. Shukre, J.)*

1. Heard. **Rule.** Rule made returnable forthwith. Heard finally
by consent.

2. This petition survives only in relation to petitioner No.2, who has been denied benefit of remission in sentence as a special case on the occasion of celebration of 150th birth anniversary of Mahatma Gandhi. Remaining two petitioners have already been permanently released from prison.

3. There is no dispute about the fact that this petitioner has been convicted for an offence punishable under Section 307 read with Section 34 of the Indian Penal Code for which one of the punishments prescribed is that of life imprisonment. Clause 4(iii) of the relevant guidelines indicates that such remission cannot be granted to prisoner amongst others, who have been convicted for an offence for which punishment of life imprisonment has been available as one of the punishments. Therefore, no illegality could be seen in the impugned order. There is no merit in the petition. Petition stands dismissed. Rule is discharged. Learned appointed counsel be paid legal remuneration of ₹2,500/- (₹ Two Thousand Five Hundred Only).

JUDGE

JUDGE