

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

CRIMINAL WRIT PETITION (WP) NO. 94/2022

Mohammad Siddiqui Mohammad
Abdulah Shaikh-C-5823
Aged about : 45 Occ- In Jail
Central Prison, Amravati

..... PETITIONER

// VERSUS //

1. State of Maharashtra,
Through Its Secretary,
Home Department, Mantralaya,
Mumbai – 32

2. Superintendent Of Prison,
Central Jail, Amravati,
Tehsil and District – Amravati

.... RESPONDENT(S)

Mr. S.R. Jaiswal, Advocate (Appointed) for the petitioner
Mrs. N.R. Tripathi, APP for the respondents

**CORAM : SUNIL B. SHUKRE AND
M. W. CHANDWANI, J.J.**

DATED : 22/12/2022

ORAL JUDGMENT : (PER:- SUNIL B. SHUKRE, J.)

Heard.

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

3. The learned Counsel for the petitioner submits that the petitioner could be considered to be entitled for grant of benefit of three months remission as described in the Government Resolution dated 03.06.2017 if, the case of the petitioner is considered to be one as falling under the general category of the Central Act. According to him, there has been many convicts under the Central Act, who have been given benefit of the Government Resolution dated 03.06.2017 and, therefore, the petitioner must not be treated differently.

4. According to the learned APP, since the petitioner has committed serious crime, he is convict under the Protection of Children from Sexual Offences Act, 2012 (for short the “POCSO Act”), the petitioner would not be entitled to avail the benefit of the Government Resolution dated 03.06.2017.

5. Ordinarily, we would have considered the submission of the learned Counsel for the petitioner had it not been the case that the co-ordinate Bench of this Court had taken different view. The co-ordinate Bench of this Court in Criminal Writ Petition No.683/2021 (*Mangesh @ Nilesh Ganesh Palaspagar Vs. State of Maharashtra and anr.*) decided on 28.04.2022 has already taken a view that the prisoners who are convicted for offences under the POCSO Act are not entitled for grant of remission as per the Government Resolution dated 03.06.2017,

giving comments to us. In the present case, the petitioner is a convict under the POCSO Act and as such is not entitled to have the benefit of remission as per the Government Resolution dated 03.06.2017. The writ petition deserves to be dismissed. Accordingly, the writ petition stands dismissed.

6. Legal remuneration be paid to the learned Counsel (Appointed) for the petitioner as per rules.

7. Rule is discharged. No costs.

(M. W. CHANDWANI, J.)

(SUNIL B. SHUKRE, J.)

SANDIP
MAHADEV
GATE

Personal Assistant to the
Hon'ble Judge
Digitally signed by
SANDIP MAHADEV
GATE
Date: 2022.12.22
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