

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

CRIMINAL WRIT PETITION NO.750 OF 2021

{Shri Ashok Namdeo Pawar ..Vrs.. State of Maharashtra and Anr.}

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri C. D. Wasade, Advocate (Appointed) for the Petitioner.
Ms N. Tripathi, APP for the Respondents.

**CORAM : MANISH PITALE AND
VALMIKI SA MENEZES, J.J.**

DATE : 28th JULY, 2022.

1. Heard Shri Wasade, learned counsel appointed for appearing on behalf of the petitioner and Ms Tripathi, learned Assistant Public Prosecutor appearing on behalf of the respondents.

2. By this petition, the petitioner is seeking a direction against respondent nos.1 and 2 to grant remission of three months as per Government Resolution (GR) dated 03.06.2017. It is submitted that in terms of the said GR, having completed five years of incarceration, the petitioner is entitled to remission of three months.

3. The papers available on record show that in terms of the aforesaid GR dated 03.06.2017, an opinion of the concerned District and Sessions Court at Amravati, was called, while considering the application for remission submitted by the petitioner. The said requirement in the

GR is in terms of Section 432(2) of the Cr.P.C.

4. On 01.01.2021, the aforesaid Court forwarded its opinion stating that the petitioner was not found fit for grant of remission of three months as prayed by him.

5. We have perused the opinion forwarded by the aforesaid Court and we find that cogent reasons are stated therein, while opining that the petitioner was not fit for grant of remission of three months. Apart from recording that as per judgment and order dated 07.05.2015, passed in Sessions Trial Case No.200 of 2013, wherein the petitioner was convicted under Sections 376 (2) (F) and 506 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for eleven years, it was specifically noted that the petitioner was convicted for committing rape of his own daughter.

6. In view of the facts of the present case, we are in agreement with the opinion given by the aforesaid Court at Amravati and therefore, we find that no relief can be granted to the petitioner in the facts and circumstances of the present case. Accordingly, criminal writ petition is **dismissed**.

(VALMIKI SA MENEZES, J.) (MANISH PITALE, J.)