

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

**CRIMINAL WRIT PETITION NO.729 OF 2021**

Prabhakar S/o. Aniruddha Pandit,  
(Convict No.C-9282),  
Presently R/o. Plot No.34,  
Punapur Road, Near Ram Mandir,  
Bhawani Nagar, Nagpur. 440008.

**....PETITIONER**

**---- VERSUS ----**

1. State of Maharashtra Through  
Secretary, Home Department,  
Mantralaya, Mumbai – 32.
2. Superintendent of Central Prison,  
Central Prison, Nagpur.

**.... RESPONDENTS.**

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Mr. V. N. Mate, Advocate for the Petitioner.  
Ms N. R. Tripathi, A.P.P. for the Respondents/State.

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**CORAM : V. M. DESHPANDE AND  
AMIT BORKAR, JJ.**

**DATE : 17.03.2022.**

**JUDGMENT : [PER: AMIT BORKAR, J.]**

1. Heard.
2. **Rule.** Rule is made returnable forthwith.
3. By this petition under Article 226 and 227 of the  
Constitution of India, the petitioner is challenging impugned order  
dated 05.05.2021 passed by the Ad-hoc District Judge -01 and

Assistant Sessions Judge, Nagpur opining that the petitioner is not entitled for remission.

4. The petitioner is a convict for the offence punishable under Section 307 of the Indian Penal Code, Sections 3 and 25 of the Arms Act, 1959 and 135 of the Bombay Police Act. The petitioner was directed to undergo sentence of rigorous imprisonment of 10 years and fine Rs. 3000/-, in default rigorous imprisonment for 3 months for the offence punishable under Section 307 of the Indian Penal Code and rigorous imprisonment for 6 months for the offence punishable under Section 3 and 25 of the Arms Act, 1959.

5. According to the petitioner, he is entitled for remission of 3 months as per Government Resolution dated 03.06.2017. The petitioner therefore, applied for the same before the Prison Authority and the opinion of the Court convicting the petitioner was sought. The learned Ad-hoc District Judge -01 and Assistant Sessions Judge, Nagpur by opinion dated 05.05.2021 observed that considering the nature of the offence and attempt made by the petitioner to kill the victim on the ground that her daughter refused to marry him is an offence of serious nature. The petitioner's request was therefore rejected. The petitioner has therefore, filed

the present petition challenging the opinion along with the action of refusal to grant remission by way of present petition.

6. This Court on 07.10.2021 issued notice to the respondents. Accordingly, the respondent No.2 filed reply stating that the petitioner is not eligible for grant of remission of 3 months.

7. We have carefully scrutinized the policy dated 03.06.2017. It has been clarified in the said policy that the prisoners convicted under Clause – vi mentioned in the policy are not entitled for remission as per the said policy. Clause – iii is in relation to the prisoners convicted under the Central Act. This undisputed fact that the petitioner has been convicted for the offence under the Arms Act, 1959, therefore, under Clause – iii of the said policy, the petitioner is not entitled for remission of 3 months as prayed. Therefore, there is no merit in the petition. The petition is dismissed.

8. Rule is discharged. Pending application(s), if any, stand(s) disposed of.

**JUDGE**

**JUDGE**