

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.348 OF 2023

Ramdas s/o Champati Abhange

... **PETITIONER**

VERSUS

1. The State of Maharashtra
2. The Inspector General of Prisons,
Maharashtra State, Pune
3. The Superintendent of
District Open Prison,
Paithan, Dist. Aurangabad

... **RESPONDENTS**

.....
Mrs. Bharati B. Gunjal, Advocate for petitioner
Mr. P.G. Borade, A.P.P. for respondents
.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 27th JUNE, 2023

ORDER :

Heard. This petition has been moved taking exception to the order dated 14/9/2020, placing the petitioner in Category 4(e) of the guidelines for pre-mature release of the prisoners sentenced to life imprisonment and to death penalties, May 1992 and March 2010. According to the petitioner, the crime was a fall out of a property dispute between the family members and, therefore, the

petitioner ought to have been placed in category 3(b) of the March 2010 guidelines.

2. The learned A.P.P. would, on the other hand, submit that, it was a brutal murder. There was premeditation amongst the petitioner and co-convicts and, therefore, the authorities concerned have rightly placed the petitioner in category 4(e). Paragraph No.12 of the affidavit-in-reply was adverted to. According to learned A.P.P., if the petitioner and co-convicts could have resolved their dispute with the assistance of the village elders, the incident could have been averted.

3. After having considered the judgment convicting the petitioner and the submissions made by the learned A.P.P., it is crystal clear that the incident was a fall out of a boundary dispute. It was between the members of two families who were related to each other. As such, it is a case of a murder taking place on account of land dispute and, therefore, the petitioner ought to have been placed in category 3(b) of the March 2010 guidelines.

4. For the aforesaid reasons, we allow the petition in terms of prayer clauses (B) and (C) by setting aside the impugned order, with further directions to the authorities concerned to place the petitioner in category 3(b) of the March 2010 guidelines and

give the petitioner appropriate relief within a time-frame of six months from the date of this order.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-