

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

**CRIMINAL WRIT PETITION NO. 1111 OF 2023**

Syed Tajoddin Syed Rehman

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....  
Mrs. B.B. Gunjal, Advocate for petitioner  
Mr. A.R. Kale, A.P.P. for respondents  
....

**CORAM : R.G. AVACHAT AND  
SANJAY A. DESHMUKH, JJ  
DATE : 09<sup>th</sup> AUGUST, 2023**

**PER COURT :**

1. Learned A.P.P. waives for Respondent Nos. 2 to 4.
2. The petitioner wants his case to be covered by Clause 3 (iii) of the Guidelines for granting Special Remission to Prisoners on 15<sup>th</sup> August, 2022 (75<sup>th</sup> anniversary of Independence), 26<sup>th</sup> January, 2023 (Republic Day) and against on 15<sup>th</sup> August, 2023. Sub-clause (iii) of Clause 3 thereof reads thus:-

*“3. The following categories of prisoners, who have consistently maintained overall good conduct, especially those with no punishment during the convict period in the last three years, may be eligible for special remission:*

*(iii) Male convicts of 60 years of age and above, who have completed 50% of their total sentence period (without counting the period of general remission earned).”*

3. The trial Court convicted the petitioner for the offence punishable under Section 302 of the Indian Penal Code and sentenced to suffer life imprisonment. He preferred appeal against his conviction. In the appeal memo, he gave his age as 35 years. The appeal was preferred in the year 2001. Taking his age as 35 years in the year the appeal was filed, as on now he is of the age around 57/58 years. Moreover, general remission earned by the petitioner is not to be counted. The scale of general remission is twenty days per month, since he is in open prison. As such, it would be 240 days per year. Moreover, the petitioner was on COVID bail / parole for little over one year. As such, the case does not get covered by Clause 3(iii) of the guidelines for grant of early release under the aforesaid scheme.

4. In view of above, criminal writ petition stands dismissed. If the application dated 04<sup>th</sup> August, 2023 for grant of special leave is pending before the authority concerned, the same may be decided within a reasonable time, i.e. within twelve weeks from the date of receipt of copy of this order.

( SANJAY A. DESHMUKH, J. )

( R.G. AVACHAT, J. )

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