

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3346 OF 2022**

Kesharinandan Sabhapati Upadhyay

...Petitioner

Versus

State Of Maharashtra

...Respondent

None for Petitioner.

Mrs. M. H. Mhatre, APP for Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 27th FEBRUARY, 2023.****P.C.:-**

1. Petitioner is an accused under Sections 6 and 10 of the Protection of Children from Sexual Offences Act, 2012 and was sentenced to undergo Rigorous Imprisonment for 10 years and to pay fine of Rs.30,000/- .
2. Learned Judge of the trial Court has given adverse opinion dated 28th March 2022 for not extending benefit of remission of three months to the Petitioner in pursuance of Government Resolution dated 3rd June 2017 issued on the occasion of 125th Birth Anniversary of Dr. Babasaheb Ambedkar.
3. Learned APP on instructions, submitted that, as of today Petitioner has already undergone entire sentence of 10 years and is currently undergoing in default sentence for non-payment of fine.

4. In view of the above, no benefit of the said G.R. can be extended to the Petitioner.
5. Petition is devoid of merits and is accordingly dismissed.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)