

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 5453 OF 2021**

Kamaru @ Javed Haniflala Khan

... Petitioner

V/s.

The State Of Maharashtra

... Respondent

Mr. Avinash A. Naik Appointed Advocate for Petitioner.

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

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 2nd MARCH, 2023.****PC. :**

1. By the present Petition, Petitioner has prayed that, he may be given benefit of remission in pursuance of Government Circular dated 3rd June, 2017 issued on the occasion of 125th Birth Anniversary of Dr. B. R. Ambedker.

2. Mr. Anil H. Khamkar, Superintendent, Yerwada Open District Prison, Pune has filled Affidavit-in-reply dated 11th February, 2023. In para No.4 thereof it is stated that, Petitioner has undergone total imprisonment of 13 years, 6 months and 15 days as on 31st January, 2023 and has not completed his actual imprisonment of 14 years. Petitioner therefore is not entitled to get said remission.

3. In view thereof, we find that, the present Petition is premature and is accordingly dismissed, by reserving the liberty to Petitioner to file

fresh Petition after completion of 14 years of his actual imprisonment, if the Government/Jail Authority does not extent the benefit of said Circular dated 3rd June, 2017 to him.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)