

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1065 OF 2020

Vinayak Balasaheb Shinde ... Petitioner
Versus
The State of Maharashtra ... Respondent

Mr. Ajinkya Udane, for the Petitioner.

Mrs. P. P. Shinde, APP for the Respondent – State.

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 24th FEBRUARY, 2023.

P. C. :

Heard learned Counsel for the parties.

2 By this Petition, sent through jail, the petitioner seeks the benefit of the remission of three months declared by the State Government by Resolution dated 3rd June, 2017, on account of the 125th Birth Anniversary of Dr. Babasaheb Ambedkar.

3 Mr. Udane, appointed Counsel for the petitioner, submits that the learned Sessions Judge had rejected the petitioner's representation only by giving an opinion that the offence was

serious in nature and that the said opinion is a casual opinion. He submits that on the basis of the said opinion the petitioner's prayer for remission has been rejected.

4 We have perused the opinion given by the learned Sessions Judge. We find some merit in the submission advanced by the learned Counsel for the petitioner. The opinion given by the learned Sessions Judge appears to be casual. He has not considered the judgment of conviction and whether the case of the petitioner would be covered under the Government Resolution. Hence, we deem it appropriate, in the facts to remit back the matter to the learned Sessions Judge for fresh consideration.

5 The learned Sessions Judge after receipt of the papers, to forthwith, within two weeks, reconsider the prayer of the petitioner keeping in view the Government Resolution dated 3rd June, 2017.

6 After the matter is freshly considered, the same be forwarded to the Superintendent, Yerwada Central Prison, Pune, for taking

appropriate decision thereon.

7 Petition is disposed of in the aforesaid terms.

8 All concerned to act on the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.