

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4288 OF 2021**

Sachin Bhimrao Jumnalkar

... Petitioner

V/s.

The State Of Maharashtra

... Respondent

Mr. Sachin B. Chandan Appointed Advocate for Petitioner.

Mrs. S. D. Shinde APP, for Respondent-State.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 10th FEBRUARY, 2023.****PC. :**

1. Heard Mr. Chandan, learned Advocate appointed to represent Petitioner and Mrs. Shinde, learned APP for Respondent State. Perused record produced before us.

2. It is the grievance of Petitioner that, the benefit of circular dated 3rd June, 2017 issued by Government of Maharashtra, on the occasion of 125th Birth Anniversary of Dr. B. R. Ambedkar has not been extended to him giving remission in sentence.

3. The I/c. Superintendent, Kolhapur Central Prison has filed an Affidavit dated 1st February, 2023. It is stated that, the Petitioner was earlier released on four occasions on furlough leave but on all the occasions, he was required to be arrested by Police and brought back to the prison after registration of crime under Section 224 of the Indian Penal Code. That, on

one of the occasions, when the Petitioner was released on furlough leave, he committed another offence bearing C. R. No. 61 of 2020 registered with Ratnagiri Police Station under Sections 307, 386, 397 read with Section 34 of the IPC and under Section 3 and 25 of the Arms Act. The learned District Judge-1 and Additional Sessions Judge, Ratnagiri gave adverse opinion for grant of benefit of special remission to the Petitioner.

The aforestated facts are noted as per the record maintained by Jail Authority.

4. In view of the fact that, the Petitioner committed an offence bearing C.R. No. 61 of 2020 when was released on furlough leave, we are of the view that, the opinion given by learned District Judge-I and Additional Sessions Judge, Ratnagiri is just and proper. The request of Petitioner therefore can not be accepted for giving benefit of said circular dated 3rd June, 2017 to him.

5. Petition being *dehors* of merits is accordingly dismissed.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)