

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL WRIT PETITION NO. 174 OF 2023

Mohd. Salim Noor Mohd. Shaikh

Vs.

State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A.M. Balpande, Advocate (appointed) for petitioner.
MS. Nandita Tripathi, APP for respondent.

**CORAM : VINAY JOSHI, AND
BHARAT P. DESHPANDE, JJ.**

DATE : 20.03.2023.

Heard.

2. The applicant was convicted for the offence punishable under Sections 377, 506 of the Indian Penal Code and sentence to undergo rigorous imprisonment for ten years. The applicant has moved an application seeking remission for three months in terms of Government Resolution dated 03.06.2017. It is the only grievance that though he is eligible as per said Government Resolution, however, remission of three months has not been granted.

3. Mr.Balpande, appointed learned counsel brought to our notice that as per Government Resolution, it is obligatory on the authority to obtain opinion of convicting Judge before granting remission. It appears that the jail authorities have not processed the applicant's case for remission.

4. In view of above, we direct Superintendent of Jail, Nagpur, to treat this application dated 14.09.2021, as an applicant's urge for grant of benefit of Government Resolution dated 03.06.2017 and to process it further in accordance with law.

5. Petition stands disposed in the above terms.

6. Fees of appointed learned counsel be paid as per rules.

7. The Registrar (Judicial) is requested to forward the copy of letter along with this order to I.G. Prison.

JUDGE

JUDGE