



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 599 OF 2024

GOVIND RAMRAO JADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for petitioner : Mr. Rupesh A. Jaiswal
APP for the respondent – State : Mr. S.B. Pulkundwar
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 10 MAY 2024

PC :

It is a matter of grant of set off permissible under section 428 of the Code of Criminal Procedure.

2. The petitioners were acquitted by the trial Court and in an appeal against acquittal, the judgment and order of the trial Court was reversed and they were sentenced to imprisonment / punishment, however, without indicating anything about the set-off under section 428 of the Code of Criminal Procedure.

3. Since the set-off is a right and not extending it requires reasons to be assigned, in our considered view, the petitioners are entitled to set-off under section 428 of the Code of Criminal Procedure.

4. We have called the information from the trial Court. The concerned Court of Additional Sessions Judge, Nanded vide his report

dated 08-05-2024 has given the details regarding date of arrest, period under police custody remand, the period under the judicial custody and date of releasing on bail wherever it is applicable. It is being pointed out that petitioner no. 3 was never released on bail but the others were released on bail on 22-12-2000.

5. We allow the writ petition, hold the petitioners entitled for set-off under section 428 of the Code of Criminal Procedure and direct the prison authorities to extend it in accordance with the information furnished by the trial Court vide communication dated 08-05-2024 received from the learned Additional Sessions Judge, Nanded, a copy of which shall be forwarded to the jail authorities and shall form part of this order.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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