

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1572 OF 2023

Kumar @ Bhanudas Sahebrao Chavan .. Petitioner

Versus

The State of Maharashtra .. Respondent

...

Mr.Amit Ichan for the petitioner

Dr.Ashvini A. Takalkar, APP for the State.

Mr.B.M. Tadavi, Jailor Grade II from Kolhapur Central Prison.

CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE,JJ.
DATED : 30th JULY, 2024

P.C:-

1 The petitioner stand convicted for the offence punishable under Section 302 of IPC and is sentenced to suffer Imprisonment for life. He is also convicted for the offence punishable under Section 376 and sentenced to suffer Imprisonment for 10 years. In addition, he is convicted under Section 366(A) as well as Section 201 of the IPC, all substantive sentences being directed to run concurrently.

The petitioner addressed a communication to this Court, informing that he came to be arrested on 15/2/2005 and has undergone Imprisonment for 18 years 16 days as on 31/3/2023.

According to him, by placing reliance upon the guidelines for premature release dated 11/5/1992 and 15/3/2010, he deserve premature release on completion of 26 years, as he deserve to be categorised in category 2(c) of 2010 guidelines and 1(d) of 1992 guidelines.

2 We have heard learned counsel representing the petitioner through Legal Aid and we are unable to satisfy ourselves that his categorization should be in 2(c), which is a caption for crime committed with exceptional violence and/or with brutality or death of victim due to burns.

Instead, in the 2010 guidelines for premature release under the 14 year rule, the specific category 2(d) is captioned as 'murder with rape' and therefore, he has been rightly categorized by State Government in 2(d).

Even going by the 1992 guidelines, since the offence was committed with perversity, it would fall within category 1(e), which prescribe period of Imprisonment to be undergone, as 28 years including remissions subject to minimum 14 years of actual imprisonment. On either of the counts, the petitioner do not deserve his release before completion of 28 years of imprisonment.

Hence, we find no fault in the order passed by the State Government on 12/5/2022 categorising him in 2(d), if the guidelines of 15/3/2022 and 1(e) of the guidelines of 11/5/1992.

3 Petition is therefore dismissed being without any merit and substance.

Let the order be communicated to the petitioner through Superintendent Kolhapur Central Prison.

Before we part, we must record the appreciation of Mr. Amit Ichan, who was appointed by legal aid for his services, and the Legal Services shall ensure that the legal remuneration due and payable to him, shall be paid within a period of six weeks from today.

(MANJUSHA DESHPANDE,J)

(BHARATI DANGRE, J.)