

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3405 OF 2023
WITH
INTERIM APPLICATION NO.3028 OF 2024
WITH
INTERIM APPLICATION (ST) NO.12169 OF 2024

Pradip Pandurang Shelar .. Petitioner
Versus
State of Maharashtra .. Respondent

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Mr.Jayesh Rathod, Appointed Advocate, for the Petitioner.
Ms.Sharmila S. Kaushik, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 06th AUGUST, 2024

P.C:-

1. The Petitioner/Convict has addressed a communication to the Registrar, High Court, Bombay on 09/06/2022, making a grievance that the benefit of the policy formulated by the State Government, as contained in the Government Resolution dated 03/06/2017 for commemorating 125th birth anniversary of Dr.Babasaheb Ambedkar has not been extended to him.

2. We have heard the learned counsel appointed to represent the Petitioner and our attention is invited to the

opinion of the Ad-hoc District Judge, Satara dated 16/12/2017 with reference to the letter from Kolhapur Central Jail Kalamba dated 27/06/2017.

When this opinion is perused, it is regarding the categorisation of the prisoner as in the ultimate paragraph, the learned Judge has opined that taking into consideration the circumstance that the offence is committed by the accused against woman, he deserve categorisation under clause (c) of Category 2, providing for death of victim due to burns.

3. We fail to understand as to how this categorisation shall be taken into consideration for considering the request of the Petitioner for availing the benefit under the policy decision of the State Government, contained in Government Resolution dated 03/06/2017.

Undisputedly for the purpose of availing the benefit under the policy, the opinion of the District Judge is not received.

4. The Petitioner is incarcerated since 17/03/2000 and on being convicted for the offence punishable under Section 302 of the Indian Penal Code, he has been admitted to Ratnagiri Open Prison since 30/09/2018. Till 26/08/2022, he has undergone 11 years 7 months and 12 days of imprisonment.

5. Since there is no decision taken on his application for consideration of the benefit under the policy decision of

03/06/2017, we direct the Superintendent, Ratnagiri Special Prison to consider his request after following the necessary formality, which include obtaining the opinion from the concerned District and Sessions Judge and pronounce upon his entitlement for remission within a period of six weeks from today.

With the aforesaid direction, the Writ Petition stands disposed of. In view of the disposal of the Writ Petition, Interim Petitions stand disposed off.

This order shall be communicated to the Petitioner through Superintendent of Ratnagiri Open Prison.

6. We record our words of appreciation for Advocate Jayesh Rathod, who on being appointed to represent the Petitioner, has effectively represented the cause of the Petitioner before us and we direct the Legal Service Authority to pay the legal remuneration due to him within a period of six weeks from today.

(MANJUSHA DESHPANDE,J.)

(BHARATI DANGRE, J.)