

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 625 OF 2024**

Bhiva Janaji Chapte .. Petitioner  
Versus  
The State of Maharashtra .. Respondent  
...

Mr.Anush Shetty i/b Dr. Yug Mohit Chaudhry for the petitioner.  
Ms. S.S. Kaushik, APP for the State.  
Mr.B.M. Tadavi, Jailor, Grade II from Yerwada Central Prison,  
Pune.

**CORAM:BHARATI DANGRE &**  
**MANJUSHA DESHPANDE,JJ.**  
**DATED: 20<sup>th</sup> AUGUST, 2024**

**P.C:-**

1           Petition is filed by the convict for the following  
reliefs:-

*“(a)     Direct the respondent to categorize and release the petitioner as per Category 2(d) under Annexure I of the 2010 Guidelines for his life sentence under Annexure II of the 2010 Guidelines for his life sentence u/s. 376 IPC.*

*(aa)     Direct the respondent to categorise and release the petitioner as per category 1(d) of the 1992 guidelines for life sentence u/s. 302 IPC.”*

As far as prayer (aa) is concerned, this is inserted by way of an amendment carried out on 29/7/2024 as per the order passed by this Court.

2           We have perused the order dated 14/8/2024 passed by the Deputy Secretary, Home Department, where the petitioner is categorized under clause (1)(e) of the guidelines relating to premature release dated 11/5/1992 and in category 2(d) in the guidelines dated 15/3/2010, both prescribing that the convict shall undergo imprisonment of 28 years, including remission subject to a minimum of 14 years of actual imprisonment.

3           At this stage, the counsel for the petitioner is desirous of raising a challenge to the order dated 14/8/2024,, but we find this challenge to be completely unfounded, as in the petition itself, the petitioner has requested for his categorization in category 2(d) of Annexure I of 2010 guidelines and therefore, we fail to understand on what basis a challenge would lie at this stage.

          We have also perused the impugned judgment which is passed by the Sessions Judge in Sessions Case No. 457/2005, where the petitioner face the trial for offence punishable u/s.376, 302, 201 of the IPC and we have noted that the learned Sessions Judge, on appreciating the evidence placed before me, has concluded that the prosecution has proved it beyond reasonable doubt that the accused is guilty of the offences with which he is charged and accordingly, on being convicted under Section 302 and 376 of the IPC, he is directed to suffer imprisonment for life along with fine to be paid.

4           In addition, he also stood convicted for offence punishable u/s.201 of IPC and was sentenced to suffer RI for seven years, the substantive having been directed to run concurrently.

Worth it to note that this judgment of conviction and sentence is upheld by the High Court.

By applying the principle laid down by the Apex Court in case of State of Haryana and ors vs. Jagdish,<sup>1</sup> and after calling the necessary opinion from the concerned Court, the Advisory Committee and the Addl. DIG, Prisons, and the Maharashtra State, Pune, the State Government has categorised him by the order dated 14/8/2024. Since we find the categorization to be appropriate in the wake of the facts and circumstances in which he stood convicted and was sentenced to undergo Life Imprisonment. We do not find any merit in the submission advanced by the learned counsel and do not permit the challenge to be raised to the order categorizing him above.

With this direction, Writ Petition is disposed off.

**(MANJUSHA DESHPANDE,J)**

**(BHARATI DANGRE, J.)**

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1 (2010) 4 SCC 216