

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 199 OF 2024

Papa Chhagan Rathod .. Petitioner
Versus
The State of Maharashtra .. Respondent
...

Mr. R.A. Jaiswal i/b Nitin Gaware for the petitioner.
Ms.M.M. Deshmukh, APP for the State.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 20th JUNE, 2024

P.C:-

1 We are surprised to take note of the impugned order, which despite existence of the guidelines framed by the State Government for premature release under the '14 year Rule of Prisoners serving life sentence', contained in form of distinct resolutions, the last one being issued on 15/3/2010, merely because of the seriousness of the offence, the State Government has refused to categorize a prisoner.

2 We are of the clear opinion that if it is the decision of the State Government exercised under Section 432 read with Section 433A of the Code of Criminal Procedure, and they have

categorised distinct offences in Annexure-1 and Annexure-2, depending upon the nature of the offence, the gravity involved and has thereafter determined the minimum number of years, which the prisoner must undergo before he is held entitled for premature release, with or without remission, we are surprised that the State Government has taken it upto itself, to determine that he is not entitled for premature release.

It is quite open for the State Government to fit the case of the prisoner/petitioner into a particular category as he has been sentenced to undergo Rigorous Imprisonment for life, on being convicted for an offence punishable u/s.363 and 376(2)(f) of the IPC.

3 Let the learned APP obtain necessary instructions from the Secretary, Home Department, or else, we will proceed to consider the application of the petitioner in the wake of the guidelines of the State Government.

Re-notify to 1/7/2023.

(MANJUSHA DESHPANDE,J) (BHARATI DANGRE, J.)