

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO.684 OF 2024

Illiya Khan Latifkhan

.... Petitioner

Versus

The State of Maharashtra and Ors.

.... Respondents

.....

None for the Petitioner.

Mr.S.V. Gavand, APP for Respondent – State.

.....

***CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.***

DATED : 21st JUNE 2024.

P.C. :

1 Though Ms.Saloni Ghule, advocate was appointed by the High Court Legal Services Committee, Mumbai, to represent the petitioner, she failed to make her appearance.

2 We have perused the Writ Petition which seek remission of sentence of the petitioner, as in-turn what is assailed is the order passed by the Home Department, Mantralaya, Mumbai, on 5th July, 2019, where he was directed to undergo 26 years of imprisonment being categorized under Annexure-I Category - “2(c)” of the Government Resolution dated 15th March, 2010, in form of Guidelines for pre mature release under the “14 Year Rule” of prisoners undergoing life sentence under the Guidelines framed by the Government.

We have perused the impugned order which has categorically noted by the Additional Sessions Judge, Jalana that the evidence brought on record and has clearly recorded that the medical officer has opined the probable cause of death is due to shock and 85% burns.

The deceased being wife of the petitioner, he has faced an accusation of causing her death by setting her on fire. Since the charge has been conclusively established, and he is found guilty of setting her on fire, and causing her death, we find no infirmity in classifying him in the category of "Crime committed with exceptional violence and/or with brutality of death of victim due to burns."

Upon its categorization, he must undergo the period of imprisonment of 26 years including remission, subject to minimum 14 years of actual imprisonment including set to period.

The petition filed by the petitioner do no deserve any consideration, and, therefore, the same is rejected.

The order passed by this Court shall be communicated to the petitioner through Nashik Road Central Prison, Nashik, and the learned APP is requested to forward the copy of this order to a Superintendent of Nashik Road Central Prison, Nashik.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)