

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1690 OF 2024

Sachin Bhimrao Jumanlkar	]	..	Petitioner
vs.			
State of Maharashtra & Anr.	]	..	Respondents

Ms.Harjeet Kaur a/w A.S. Anand for the Petitioner.

Mr.J.P. Yagnik, APP for the State.

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

DATE : 11th JUNE, 2024.

P.C.

1] The Petitioner has filed the present Petition, praying for direction to the State Government for releasing him under the "14 years premature release", in accordance with the guideline and remitting the remaining portion of the sentence of life imprisonment, if any.

2] Heard the learned counsel Ms.Harjeet Kaur for the Petitioner and Mr.Yagnik, the learned APP for the State.

The Petition is accompanied by the Certificate of Imprisonment issued by the Kolhapur Central Prison, Kalamba Kolhapur, dated 27.01.2024 and the total period of imprisonment of the convict prisoner Sachin Bhimrao Jumalakar, is computed to the following effect :-

Total Period of imprisonment till 31.12.2023 follows.	Years	Months	Days
Under trial period from Dt.24.02.2007 to 05.12.2008	01	10	10
Actual imprisonment undergone by the prisoner after conviction from dt.06.12.2008 to Dt.31.12.2023 (Excluding Out Days – 435 Days)	12	10	12
General remission till date	00	01	21
Total period of imprisonment undergone by the prisoner including remission	14	10	13

Perusal of the above chart would reveal that the total period of imprisonment undergone by the Petitioner including remission is 14 years, 10 months and 13 days.

3] The learned APP Mr. Yagnik has placed on record a communication dated 05.06.2024, which make reference to the observation made in the Judgment passed by the Sessions Judge, Ratnagiri, in Sessions Case No. 15/2007 who has found him guilty of committing an offence under Section 302 and has sentenced him to life imprisonment.

On considering the observation made by the learned Judge, he has been categorized Category 4 (D) of the Government Resolution dated 11.04.2008, whereas, in terms of the Government Resolution dated 15.03.2010, he is categorized in the category 4(E), which is a category of “murders committed with pre-meditation and with exceptional violence and or brutality” where the period of imprisonment to be undergone including the remission subject to minimum 14 years of actual imprisonment, has been fixed as 26 years.

4] In the wake of above, the Petition filed on the premise that on completion of 14 years the Petitioner is entitled to be released, is not

tenable and in the wake of the categorization of the Petitioner/ Prisoner, he must necessarily undergo the prescribed penalty, which is prescribed as 26 years including the remission and subject to minimum 14 years of actual imprisonment, whereas, at present the Petitioner has undergone 14 years, 10 months and 13 days of imprisonment which include remission.

In the wake of the above, the Petition cannot be entertained as the relief prayed therein do not sustain, in the wake of the Policy decision of the State Government contained the policy of 2008 and 2010.

In the result, the Petition is dismissed.

[MANJUSHA DESHPANDE, J]

[BHARATI DANGRE, J]