

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1814 OF 2024

Ravi @ Dhiren @ Jadhav Ruby Ghosh .. Petitioners
and ors

Versus

The State of Maharashtra and anr .. Respondents

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Mr. Rupesh Jaiswal for the petitioners.
Ms.S.S. Kaushik, APP for the State.
Ms. Suvarna C, Jailor Gr II, Nashik Jail.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 24th JUNE, 2024

P.C:-

1 The Petitioners are aggrieved by the decision of the Home Department dated 21/11/2023, categorizing the Petitioners into the residuary category of Annexure II of the Government Resolution dated 15/03/2010, for framing the guidelines for Premature release under the “14 year Rule” of Prisoners serving life sentence.

2 The learned counsel for the Petitioners has specifically invited our attention to the judgment passed by the Sessions Court as well as the judgment delivered by this Court in an appeal, where the accused nos.1 to 5 and 6 are acquitted under the Unlawful Activities (Prevention) Act, 1967, though the conviction continue under Sections 489-B, 489-C, and 489-E of IPC relating to counterfeit currency.

By relying upon the decision of this Court pronounced after considering, the law as laid down by the Apex Court, he would rely upon the decision in case of *Bharat Fakira Dhivar (Criminal Writ Petition No.950 of 2022)* dated 22/11/2022, when this Court having taken cognizance of various cases, where despite the guidelines issued by the Apex Court, the authorities are mechanically giving their opinions and not following the guidelines relating to remission.

3 We prefer that instead of pronouncing upon the same issue once again, let the State Government follow the directives laid down in the aforesaid judgment, which has crystallized the position of law as laid down by the Apex Court from time to time including the judgment in case of *Laxman Naskar vs. Union of India*, wherein the guidelines regarding premature release issued by the State have been specifically pronounced upon.

4 We expect that before the affidavit in reply is filed in the present case, the decision of this Court is placed before the Secretary of the Home Department and by applying his mind to the facts and the law as laid down, he shall himself file an affidavit within period of 3 weeks from today, with an advance copy being served on the other side.

List on 15/07/2024.

(MANJUSHA DESHPANDE,J)

(BHARATI DANGRE, J.)