

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3345 OF 2024**

Vishal Kishor Desai .. Petitioner
Versus
State Of Maharashtra .. Respondent

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Mr. Parth P. Shah, for the Petitioner.

Ms. S. S. Kaushik, A.P.P. for the State/Respondent.

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**CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 4th SEPTEMBER, 2024**

P.C:-

1. The Petitioner/convict seek extension of the benefit of the policy decision of the State Government, contained in Government Resolution dated 03.06.2017, whereby granting benefit of remission to certain convicts, who are incarcerated pursuant to their conviction to commensurate the 125th Birth Anniversary of Dr. Babasaheb Ambedkar.

2. The Petitioner/convict has addressed a communication dated 14.06.2022, which is treated as a Writ Petition and Advocate Mr. Parth Shah is appointed through the

High Court Legal Services Committee, to represent the Petitioner.

We have perused the grievance of the Petitioner, what we have noticed is that the Petitioner was arrested on 26.03.2016, for committing an offence under the Protection of Children from Sexual Offences Act (“POCSO Act”) alongwith under Section 323 of the Indian Penal Code. On being tried by the Additional Sessions Judge, Dindoshi, Borivali Division, by Judgment and Order dated 05.01.2022, he has been sentenced to undergo imprisonment of 10 years alongwith the fine.

3. The Petitioner is seeking benefit of the policy formulated by the Government as contained in Government Resolution dated 03.06.2017 but pertinent to note that this policy applied to those convicts who are undergoing sentence on being convicted on the date when the policy is declared. The Petitioner was in jail but as an under trial prisoner, he not being a convict, the benefit of granting remission as per the said policy, cannot be extended to him.

Necessarily, the Petition must fail and liable to be dismissed.

4. This Court would like to record the appreciation of Mr. Parth Shah for his valuable assistance rendered and the Legal Services Authority is directed to make payment of the legal remuneration due and payable to him, within a period of six weeks from today.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)