

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3411 OF 2024

Nikesh Sevasingh Thakur .. Petitioner
Versus
State Of Maharashtra .. Respondent

...

Mr. Advait Tamhankar, Appointed Advocate, for the Petitioner.
Dr. Ashvini A. Takalkar, A.P.P. for the State/Respondent.

...

CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 23rd SEPTEMBER, 2024

P.C:-

1. The grievance of the Petitioner is non extension of the benefits of remission to him under the policy of remission formulated by the State Government on 03.06.2017 on account of the 125th Birth Anniversary of Dr. Babasaheb Ambedkar.

2. The learned A.P.P. Dr. Takalakar has pointed out to us that on the date of which the policy was to be implemented i.e. on 03.06.2017, the Petitioner was an under trial prisoner and it is only on 11.11.2021 by the Judgment delivered by the Additional Sessions Judge, Dindoshi, Borivali Division,

Mumbai, in Special POCSO Case, he was sentenced for committing an offence punishable under Sections 363 and 342 of the Indian Penal Code and Section 6 of the POCSO Act.

3. Since the benefit of remission as indicated in the policy decision of the State Government on 03.06.2017 is applicable to those prisoners who were undergoing sentence on the said date, the Petitioner cannot be brought within its umbrage.

4. For the aforesaid reasons, the Petition being without merit and substance, is dismissed.

5. At this stage, we would like to express appreciation for Advocate Mr. Advait Tamhankar, who was appointed through the High Court Legal Services Committee for his able assistance. Let the Legal Services Authority ensure that the legal remuneration payable to him is disbursed within a period of six weeks from today.

(MANJUSHA DESHPANDE,J.)

(BHARATI DANGRE, J.)