

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3414 OF 2024

Ravindra Raghunath Jagtap .. Petitioner
Versus
State Of Maharashtra .. Respondent

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Ms. Deepa Punjani, Appointed Advocate , for the Petitioner.
Ms. M. M. Deshmukh, A.P.P. for the State/Respondent.

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CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 21st NOVEMBER, 2024

P.C:-

1. We have heard Ms. Deepa Punjani, learned counsel for the Petitioner on being appointed through the High Court Legal Services Authority and though she made an attempt to justify the categorization of the Petitioner under the Guidelines for premature release under the '14 Year Rule' of the prisoners dated 11.05.1992, by submitting that he would fall within Category-2(A) on the basis of the Appeal filed by the accused persons before the High Court, barring the present Petitioner i.e. the husband, the two other accused have been released and, therefore he should be categorized, considering that he has committed the offence of individual capacity.

We must reject the argument at the outset, since merely because the High Court has reversed the conviction against the co-accused, it do not amount to an offence being committed by the Petitioner in the individual capacity.

We have perused the Judgment delivered by the Additional Sessions Judge, Nashik, in Sessions Case No.31 of 1997, where the four accused persons faced the charge under Sections 498A, 302 read with Section 34 of the IPC, and it is the case of the prosecution which was established before the Sessions Judge to the effect that all the accused persons had with premeditation done the deceased to death by harassing her for dowry. Conviction was awarded under Sections 498A and 302 read with Section 34 of the IPC. Therefore, the said argument of the counsel for the Petitioner is just referred to be rejected.

2. From the affidavit filed by the Superintendent, Nashik Road Central Prison, on 06.11.2024, we do not find any fault in the categorization of the Petitioner under the Category-1(D) of the 1992 Guidelines, as it categorizes a crime which is committed against the aggrieved person with premeditation and contemplate period of imprisonment of 26 years to be undergone including remission subject to a minimum of 14 years of actual imprisonment including set off period.

3. Though we do not find any fault in the categorization of the Petitioner, the learned counsel has justified him sanity that he has not shown any remission being earned despite his good behaviour as alongwith the Petition,

the certificates of his good behaviour are placed on record.

We hope and trust that prison authority shall consider this aspect of good behaviour while finally drawing a calculation of his entitlement of remission considering that he has been now categorized under Category-1(D) of the 11.05.1992 Guidelines.

4. With the aforesaid observation since the relief claimed by the Petitioner for his premature release cannot be granted as we find that he may have to undergo his imprisonment of 26 years including remission and at present, he has undergone actual imprisonment of 16 years 1 month and 6 days and alongwith the remission the period computed as 19 years 8 months and 11 days, he is far away from the period which he required to undergo upon his categorization.

5. We would like to express our appreciation for Ms. Deepa Punjani, who was appointed through the High Court Legal Services Committee for her able assistance. Let the Legal Services Authority ensure that the legal remuneration payable to her is disbursed within a period of six weeks from today.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)