

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1908 OF 2023****WITH****INTERIM APPLICATION NO. 2661 OF 2024****WITH****INTERIM APPLICATION NO. 2660 OF 2024****WITH****INTERIM APPLICATION NO. 2659 OF 2024**

Vajnath @ Rajkumar Hari Yadav .. Petitioner/Applicant

Versus

State Of Maharashtra .. Respondent

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Mr. Nitin V. Gaware, Appointed Advocate a/w Mr. Shubham Wadne, for the Petitioner/Applicant.

Dr. Ashvini A. Takalkar, A.P.P. for the State/Respondent.

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

DATED : 23rd AUGUST, 2024

P.C:-

1. The Petitioner, convict C-7733 Vajnath @ Rajkumar Hari Yadav, housed in Nashik Road Central Prison, Nashik, had addressed a communication to the Hon'ble the Chief Justice, Bombay High Court, on 28.04.2023, pursuant to which, the Writ Petition is registered.

Advocate Mr. Nitin V. Gaware is appointed to

represent the Petitioner through the High Court Legal Services Committee.

2. With the able assistance of the learned counsel we have perused the request made by the Petitioner through his communication and it is seen that he has sought computation of his punishment for pre-mature release by stating that he is a prisoner with 90% disability.

3. Learned A.P.P. Dr. Takalkar has placed before us an order dated 23.08.2024, passed by the Home Department, State of Maharashtra, by which the Petitioner/convict is categorized, since he was directed to undergo life imprisonment on being convicted in Sessions Case No. 591 of 2007 and he was found guilty for committing offence punishable under Section 302 of the Indian Penal Code ("IPC"), vide Judgment dated 14.05.2009.

Considering the finding of conviction and the sentence imposed by the learned Sessions Judge, and on obtaining the report from the District Judge as well as the Advisory Board, he has been categorized in Category 4(C) of the Guidelines dated 11.04.2008, which is equivalent to Category 4(D) of the Guidelines dated 15.03.2010. Under both the categories, it is imperative for him to undergo 24 years of imprisonment including the period of remission after undergoing minimum 24 years of imprisonment.

The order passed by the State Government therefore record that he was entitled to be released pre-maturely on completing 24 years of imprisonment including the period of remission, subject to the stipulations set out in

the said order.

4. Dr. Takalkar has also placed before us the details of the period of imprisonment undergone by the convict and as on 31.07.2024, the convict is shown to have undergone actual imprisonment of 15 years 2 months 18 days and alongwith remission, he is shown to have undergone 22 years 1 month and 16 days of imprisonment. Let the copy of the order and *Likhan* dated 31.07.2024, under the signature of the Superintendent of the Nashik Central Prison, Nashik, be given to the Petitioner/convict so that he is aware as to how much period of imprisonment he has undergone and how long his wait is going to be for being released after his categorization.

5. Since the grievance of the Petitioner now stand redressed, we dispose off the Writ Petition alongwith all the pending Interim Applications.

6. We would like to express our appreciation to the Advocate Mr. Nitin V. Gaware, who has assisted this Court effectively in espousing the cause of the Petitioner. We direct the High Court Legal Services Committee, to make payment of his legal remuneration due and payable to him, within a period of six weeks from today.

Mr. Gaware make a specific request that as far as legal remuneration receivable by him is concerned, it shall be donated to the Kirtikar Law Library, High Court, Mumbai, and the Legal Services Authority shall do the needful.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)