



Judgment

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY :
NAGPUR BENCH : NAGPUR.

CRIMINAL WRIT PETITION NO. 331/2024

Rameshwar s/o Chunnilal Hardule,
Age Major, Occ. Nil, (C-10662,
presently in Central Prison, Nagpur)

... **PETITIONER**

VERSUS

1. State of Maharashtra,
through its Secretary, Home
Department, Mumbai-32.
2. Superintendent of Jail, Central
Prison, Nagpur, Dist. Nagpur.

... **RESPONDENTS**

Mr. Amol Hunge Advocate (appointed) for petitioner.
Mrs. N. Tripathi, Additional Public Prosecutor (APP) for respondent
Nos. 1 & 2.

CORAM : VINAY JOSHI AND
MRS. VRUSHALI V. JOSHI, JJ.

DATE : 29.04.2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard.

2. **Rule.** Rule is made returnable forthwith, Heard finally by
consent of learned counsel appearing for the parties.

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3. This petitioner has applied for grant of special remission in terms of Government Resolution ('GR') dated 03.06.2017. The authority has rejected the same on account of adverse opinion of the Principal District and Sessions Judge, Gondia. The learned APP would submit that the benefit of GR shall be accorded to the prisoners who were in Jail on 14.04.2016 which was the date specified in the GR itself. In this regard, our attention has been invited to the clarification dated 20.02.2024 and the decision of this Court in Writ Petition No. 857/2023 (Akash S/o. Devanand Tempe vs. State of Maharashtra & anr, decided on 21.02.2024). This Court has declined to grant benefit on account of clarification.

4. The learned counsel appearing for petitioner relying on the decision of this Court in case of Yogesh Pandurang Kupekar Vs. State of Maharashtra and anr. (Criminal Writ Petition No. 462/2022, decided on 07.09.2022) stated that in said case the then prisoner was in Jail from 28.07.2016 i.e. after the date specified in GR, however this Court has granted benefit. We have examined the said decision, wherein this Court has not considered the date of applicability and thus, the said decision would not assist.

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5. Undeniably, the petitioner is in Jail from 15.11.2016 i.e. after the date 14.04.2016 specified in the GR about implementation. In the circumstances, the petitioner is not eligible. Petition stands dismissed.

6. Petition stands disposed of in above terms.

7. Fees to the appointed counsel be paid as per Rules.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)