



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

CRIMINAL WRIT PETITION NO.42 OF 2024

Ramesh Bhimrao Bhende, Aged about Major,
Occup. Convicted, R/o Central Prison Amravati ,
C 5450 (In jail)

Petitioner

-Versus-

1. State of Maharashtra, through Principal Secretary, Home Govt. of Maharashtra, Mantralaya Mumbai 32.
2. The Superintendent of Central Prison District Amravati.

Respondents

Mr.Vishal Mohod (appointed), Adv. for the petitioner.
Mr.M.K.Pathan APP for Respondents.

**CORAM : VIBHA KANKANWADI AND
MRS.VRUSHALI V. JOSHI, JJ.**

DATE: 26/07/2024

ORAL JUDGMENT (Per : Vrushali V.Joshi, J.)

1) **Rule.** Rule made returnable forthwith. The Criminal Writ Petition is heard finally with the consent of the learned counsel for the parties.

2) The petitioner has filed this Writ Petition seeking the relief to remit the imprisonment of three months under the scheme of 125th birth anniversary of Dr.Babasaheb Ambedkar. The petitioner is in jail as he was convicted by the Additional Sessions Judge, Amravati on

29.07.2002 in Sessions Trial No.98 of 1997 the conviction was for the offence punishable under Section 376(g) r/w 34 of the Indian Penal Code to suffer rigorous imprisonment for 10 years and to pay fine of Rs.2000/-each, in default of payment of fine to suffer rigorous imprisonment for three months. The judgment was challenged in Criminal Appeal No.431 of 2002 and the appeal was dismissed on 24th August 2018. Since, 11.01.2019 the petitioner is in jail. The Judicial appraisal was called and the learned Additional Sessions Judge has given the opinion that considering the heinous offence, he is not entitled for State remission.

3) It appears that the district Judge has not considered the object of the Government Resolution and considering the nature of offence has given the opinion that remission should not be granted. On careful perusal of order contend in Government Resolution it appears that only six categories are excluded from the applicability of grant of remission. The present case does not fall in any one of six exceptions which are to be read with the Govt. Resolution dated 03.06.2017.

4) As per the government resolution dated 03.06.2017, on the occasion of 125th birth anniversary of Dr.Babasaheb Ambedkar government has issued special remission up to 90 days to convict prisoners, who are undergoing sentence in different jails. The applicant

was on bail during the period of appeal.

5) As per the government resolution, it is applicable to the person, whoever is on bail on the date of implementation of this Government Resolution is entitled for State remission. Considering the period of imprisonment, he was convicted in the year 2002 and thereafter, he was on bail. As per Government Resolution, he was convicted on 14.04.2016, therefore, he is entitled for the remission. Hence, the application is allowed.

6) The direction is given to the respondents, to consider the petitioner's application for remission.

7) Rule is made absolute in above terms.

(MRS.VRUSHALI V. JOSHI, J.)

(VIBHA KANKANWADI, J.)