



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 630 OF 2025

Sheshrao Sopanrao Dhondge
VERSUS
The State Of Maharashtra

- ...
- Mr. Rahul Omprakash Awasarmol, Advocate for the Petitioner
 - Mr. S. A. Gaikwad, APP for Respondent/s - State
- ...

**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL-JADHAV, JJ.**

DATE : OCTOBER 01, 2025

PER COURT :

1. By this petition filed under Article 226 of the Constitution of India, petitioner seeks direction to release him by extending special remission in view of Government Resolution dated 13.03.2024 issued by the Home Department, State of Maharashtra.

2. The petitioner is convicted for offence punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and sentenced to suffer rigorous imprisonment for one year by the learned Special Judge, Parbhani in Special Case No. 15 of 2000 on 31.03.2004.

3. This conviction was unsuccessfully challenged by the petitioner by preferring appeal before this Court being Criminal Appeal No. 257 of 2004. Even the Supreme Court has rejected the

application of the petitioner against the concurrent orders of conviction. The petitioner is, therefore, undergoing sentence from 14.10.2024.

4. By relying on the Government Resolution which provides for remission to the convicts in certain cases, petitioner seeks that he should also be granted remission.

5. Learned APP opposed the petition contending that Government Resolution dated 13.03.2024 is not applicable to the case of petitioner, as sub-clause (iii) of clause 2 provides that the said Government Resolution would not be applicable to the convicts who are convicted under the Central Acts.

6. Learned advocate for the petitioner is relied on the decision of the Apex Court in **Mafabhai Motibai Sagar Vs. State Of Gujarat**¹, wherein it is observed:

“12. A convict cannot seek remission as a matter of right. However, he has a right to say that his case for the grant of remission ought to be considered in accordance with the law. The power under sub-section (1) of Section 432 of the CrPC has to be exercised in a fair and reasonable manner. Therefore, conditions imposed while exercising the power under sub-section (1) of Section 432 must be reasonable. The conditions must stand the test of scrutiny of Article 14 of the Constitution of India. If the conditions imposed are arbitrary, the conditions will stand vitiated due to violation of Article 14. Such arbitrary conditions may also violate the convict's rights under Article 21 of the Constitution.”

1 Criminal Appeal No. 4307 of 2024
komal kamble

7. This ratio is not applicable to the facts of the present case. Petitioner cannot claim remission as a matter of right. Only if his case falls within the criterias mentioned in the Government Resolution, then only he is entitled for remission.

8. In the present case since that the remission cannot be granted to the petitioner in view of provisions of sub-clause (iii) of clause 2 of the said Government Resolution, we do not find any merit in the petition. The Criminal Writ Petition is, therefore, **dismissed.**

[VAISHALI PATIL-JADHAV, J.] [NITIN B. SURYAWANSHI, J.]