



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 CRIMINAL WRIT PETITION NO.858 OF 2025

Sandeep Ishwar Kendale (C-4905),
Age 37 yrs., Occ. Nil,
R/o Paithan District Open Jail,
Paithan, Tq. Paithan, Dist. Aurangabad.

... Petitioner

... Versus ...

- 1 The State of Maharashtra
Through Secretary, Home Department,
Maharashtra State, Mantralaya,
Mumbai.
- 2 The Superintendent of Prison,
Paithan District Open Jail,
Paithan, Tq. Paithan,
Dist. Aurangabad.

... Respondents

...

Mr. V.P. Savant, Advocate (appointed through Legal Aid) for petitioner

Mr. P.S. Patil, APP for respondent Nos.1 and 2

...

CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

DATE : 30th JULY, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present petition has been filed by the inmate claiming the special remission, which was made available by the Government of Maharashtra on the occasion of 125th Birth Anniversary of Dr. Babasaheb Ambedkar.

2 Heard learned appointed Advocate through Legal Aid Mr. V.P. Savant for petitioner and learned APP Mr. P.S. Patil for respondent Nos.1 and 2. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 The Government of Maharashtra by said resolution dated 03.06.2017 took decision to grant special remission / remission as contemplated under Section 432(1) of the Code of Criminal Procedure, 1973. The convicts were divided into categories as per the conviction period and proportionate to that days / months were given as special remission. Only six categories of convicts were held to be ineligible. The present petitioner came to be convicted in Sessions Case No.1/2008 by Additional Sessions Judge, Shrirampur, Dist. Ahmednagar, for the offence punishable under Section 302 of the Indian Penal Code by Judgment and order dated 30.08.2010. He has been sentenced to suffer imprisonment for life.

Therefore, taking into consideration this aspect the petitioner was eligible for consideration of three months special remission under the said Government Resolution dated 03.06.2017. He was not within the six categories of convicts, who were made ineligible. We would like to say that those convicts whose sentence of death was commuted under Section 433-A of the Code of Criminal Procedure were also considered for remission when the said commutation was in respect of imprisonment for life. Therefore, the crime being heinous or committed in a brutal manner was not the criterion for rejecting the said remission. In the said Government Resolution itself it was stated that the opinion of the convicting Court should be taken and accordingly, it appears that the opinion of convicting Court i.e. Additional Sessions Judge, Shrirampur has been taken. It appears that the concerned Judge had mistaken this special remission to the remission which is otherwise applied for i.e. for premature release and then unnecessarily a lengthy opinion has been given, which is based on the facts. The merits were considered once again, which is in fact, not the requirements of the Government Resolution. Here, the remission, that is, made available would be then applicable after the completion of 14 years of actual imprisonment. Therefore, the opinion given by convicting Court cannot be allowed to sustain, when otherwise the petitioner was eligible for the remission. We, therefore, set aside the opinion and direct respondent No.2 to grant the said

remission as per the Government Resolution dated 03.06.2017 to the present petitioner i.e. to take note of the said remission in the remission register in respect of present petitioner. With these directions, the petition stands disposed of.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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