



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 CRIMINAL WRIT PETITION NO. 938 OF 2025

Madhav Bahiroba Shirfule-C/5386

VERSUS

The State of Maharashtra

APP for Respondent No.1: Mr. P.S. Patil

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATED : 17th JULY, 2025

PER COURT :-

1. The present petition has been received from Jail. The inmate prays that the State Remission of three months according to the Government Resolution dated 3.6.2017 on the occasion of 125th Birth Anniversary of Dr. Babasaheb Ambedkar should be given to him and it appears that the learned Additional Sessions Judge, Bhokar, district Nanded has given opinion on 3.7.2017 in negative and therefore, he wants to challenge the same.

2. We have seen the impugned communication dated 3.7.2017 given by the learned Additional Sessions Judge, Bhokar, in one line. He says that since the petitioner has been convicted in a serious offence under Section 302 of I.P.C. he is of the opinion that the petitioner is not a fit candidate to whom the remission should be given.

3. Learned A.P.P. opposes the petition only on the ground that the opinion appears to have been given by the learned Additional Sessions Judge after application of his mind and therefore, it need not be disturbed.

4. In respect of the said Government Resolution dated 3.6.2017, it can be stated that it was a special remission which was made applicable by the State Government for all the convicts, which was on occasion of 125th Birth Anniversary of Dr. Babasaheb Ambedkar. That means, the Government exercised its powers and that is also mentioned in the Government Resolution that it is exercising its powers under Section 432(1) of Cr.P.C. Only few convicts have not been considered for the said scheme. However, the Government Resolution states that the said Government Resolution comes into effect from 14.4.2016 i.e. it was made retrospectively applicable and a tabular chart was given for the convicts who have been convicted for imprisonment of more than five years or imprisonment for life, the remission that was to be allowed was for three months. Even those convicts whose conviction was commuted by the Government under Section 433 of Cr.P.C. i.e. death penalty commuted into imprisonment for life, they were also given benefits. The only thing is that the benefit is to be given or would come into play after they undergo the imprisonment for 14

years, that means all the serious offences were also included and only exception was in respect of six offences or categories. The present petitioner was convicted for the offence punishable under section 302 of I.P.C.. by judgment and order dated 6.11.2015. therefore, certainly, he was in the criteria that was laid down in the Government Resolution. It appears that the learned Additional Sessions Judge, Bhokar had not applied his mind and he only went by the category of serious offence. The very purpose for which the scheme was introduced was not taken into consideration by the learned Additional Sessions Judge, Bhokar and therefore, the said opinion deserves to be set aside.

5. In the above circumstances, we allow the writ petition. We direct the respondent authorities to give benefit of the Government Resolution dated 03.06.2017 to the petitioner by making a note of the same in the remission register i.e. to take up the procedure for giving the State Remission as contemplated in the said Government Resolution, within a period of one week from today.

6. The parties to act on authenticated copy of this order.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)

rlj/