

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO.90 OF 2024

Anil S/o Barku Sonwane ... Petitioner
Versus
The State of Maharashtra and Anr. ... Respondents

Mr. Kartik S. Garg, Appointed Advocate for the Petitioner.

Ms. S. S. Kaushik, A.P.P for the Respondents-State.

Ms. Suvarna Chorge, Jailor Gr. II, from Nashik Jail, is present.

***CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.***

DATE : 6th JANUARY 2025

P.C. :

1. By this petition filed through the Legal Services Authority, the petitioner has impugned the order dated 15th December 2021, passed by the Upper Secretary, Home Department, Mantralaya, Mumbai, in Proceeding No. RLP-1420/Case No.494/20/Prison-3 and as such seeks quashing and setting aside of the said order. The petitioner also seeks grant of remission of his sentence under Section 432 of the Code of Criminal Procedure (Cr.PC). Alternatively, the petitioner also seeks a direction to the respondent No.1 to re-consider

the case of the petitioner afresh for grant of remission of his sentence under Section 432 Cr.PC.

2. It appears from the impugned order dated 15th December 2021 that the State Government has come to a conclusion that the petitioner is not entitled for premature release and hence the petitioner has not been categorized.

3. Considering that the petitioner has as of today undergone actual imprisonment of approximately 21 years and few days and without remission 27 years and few days, we direct the State Government to re-consider whether the petitioner is entitled to remission of his sentence after categorization.

4. Learned APP states that the State Government will take a decision whether the petitioner can be categorized and whether he would be entitled to be granted premature release afresh, on its own merits, in accordance with law, within six weeks from the date of receipt of this order. Statement accepted.

5. In view of what is stated by the learned APP, the petition is allowed to the extent that the State Government is directed to reconsider the petitioner's prayer for premature release/categorization, afresh, on its own merits, in accordance with law, uninfluenced by its earlier order dated 15th December 2021.

6. The Petition is allowed to the extent aforesaid and is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

DR. NEELA GOKHALE, J.

REVATI MOHITE DERE, J.