



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 58 OF 2025
WITH
INTERIM APPLICATION NO. 2223 OF 2025
IN
CRIMINAL WRIT PETITION NO. 58 OF 2025

Sunil Laxman Ghode)
[Convict No.C/532],)
Age 44 years,)
R/o. N-31/A-1/1/2, Vijay Nagar, CIDCO,)
Nashik, District Nashik.)
(At present confined and undergoing)
imprisonment in Nashik Road Open Prison)) ..Petitioner/Applicant

Vs.

1. The State Of Maharashtra)
through the Secretary, Home Department,)
(Prison – 3), Mantralaya, Mumbai – 32.)
2. The Additional Director General)
of Police and Inspector General of Prisons,)
Correctional Services, Maharashtra State,)
Pune – 1.)
3. The Advisory Board Committee)
(Sited Members in Advisory Board)
Committee to decide premature release)
proposals))

4. The Superintendent of Jail,)
Nashik Road Central Prison, Nashik.) ..Respondents

Mr. Karthik Rajasekhar for the Petitioner/Applicant through Legal Aid.

Smt. Prajakta P. Shinde, APP for Respondent No.1-State.

Smt. Suvarna J. Chorge, Jailor Gr.-II, Nashik Jail, Nashik.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**
DATE : 30th JUNE, 2025.

JUDGMENT (Per : A. S. Gadkari, J.) :-

1) By this Petition under Article 226 of Constitution of India, the Petitioner (Original Accused No.2) has impugned Order dated 29th August 2024, passed by the Competent Authority of Home Department of Government of Maharashtra thereby placing Petitioner in Category 4(d) of 15th March 2010 Guidelines for premature release under the “14 Year Rule” of prisoners serving life sentence (said 2010 Guidelines). By categorizing the Petitioner and placing him in Category 4(d) of said Guidelines, the Petitioner has to undergo twenty-four years of imprisonment including set off period.

2) Heard Mr. Karthik Rajasekhar, learned Advocate for the Petitioner appointed by the Legal Aid Committee and Smt. P. P. Shinde, learned APP for Respondent No.1-State. Perused entire record produced before us.

3) It is the case of the prosecution that, the sister of Petitioner was

having love affair with one Raju Kulthe. Raju Kulthe was friend of deceased Kapil Lad. On the date and time of incident, Accused No.1 i.e. father of Petitioner, Petitioner and two of his other friends were searching Raju Kulthe. They enquired with Kapil Lad about the whereabouts of Raju Kulthe, however, he did not divulge them anything. The accused persons therefore abducted Kapil Lad and during transit committed his murder and decamped his body near Daruwala Petrol Pump, Chandori, District Nashik. It is the further case of prosecution that, the daughter of Accused No.1 and sister of the Petitioner was already married and was having illicit relations with Raju Kulthe.

4) The trial Court by its Judgment and Order dated 31st March 2008 was pleased to convict the Original Accused Nos. 1, 2 and 3 under Sections 302, 201 read with 34 of the Indian Penal Code and sentenced them to suffer life imprisonment.

4.1) Criminal Appeal No. 444 of 2008 preferred by the Appellant has been turned down by this Court by Judgment and Order dated 10th September 2014, upholding the conviction and sentence of the Petitioner.

5) The facts mentioned in Paragraph No.3 are deciphered from the record and are admitted facts.

6) By the impugned order, the Petitioner has been put in Category 4 (d) of said 2010 Guidelines.

6.1) Category 4(d) of said 2010 Guidelines reads as under:-

4. *MURDERS FOR OTHER REASONS*

(a)

(b)

(c)

(d) *Murder committed by more than one person / group of persons.*

6.2) Category 3 (b) of said 2010 Guidelines reads as under :-

3. *MURDERS ARISING OUT OF LAND DISPUTE, FAMILY FEUDS, FAMILY PRESTIGE AND SUPERSTITION.*

(a)

(b) *Crime committed as above with premeditation, either individually or by a gang.*

7) As noted earlier, perusal of record clearly indicates that, the Petitioner along with his father and other accused persons committed murder of Kapil Lad with a belief to honour family prestige, as the father (Accused No.1) and Petitioner (Accused No.2) were against the love affair of their daughter/sister with Raju Kulthe. Therefore, according to us, the case of Petitioner would fall under Category 3(b) of said 2010 Guidelines and not under Category 4(d) thereof.

8) In view of the above, the impugned Order dated 29th August 2024 needs to be partly quashed and modified to the extent of placing the Petitioner in Category 3(b) of said 2010 Guidelines.

9) Hence, the following order.

ORDER

1. Petitioner is directed to be placed in the Category of 3(b) of the Guidelines for premature release under the “14 Year Rule” of prisoners serving life sentence, dated 15th March 2010.
 2. As per the record, the Petitioner as of today has already undergone twenty-three years, four months and nine days of imprisonment including remissions and in view of placing him in Category 3(b), he is required to be released from jail forthwith.
 3. Petitioner, therefore, be released from the jail immediately on production of an authenticated copy of the operative part of this Judgment, if not required in any other case/crime.
- 10) Petition is accordingly allowed in the aforesaid terms.
 - 11) In view of the disposal of Petition, Interim Application No.2223 of 2025 does not survive and is also disposed off.
 - 12) All the concerned to act on an authenticated copy of the operative part of the Judgment.

(RAJESH S. PATIL, J.)**(A.S. GADKARI, J.)**