

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

CRIMINAL WRIT PETITION NO. 2468 OF 2025

Mr. Pandit Kashinath Bhojee

Age: 48 years,

(Prisoner No. C-5228)

Presently at Open Jail,

Age- Major, Occu. Nil

Paithan, Dist. Chatrapati Sambhaji Nagar

(At present in Paithan Prison,

Chatrapati Sambhaji Nagar).

... Petitioner.

V/s.

1. The State of Maharashtra

Through Secretary, Home Department,

Mantralaya, Mumbai-32.

2. The Deputy Superintendent

Of Open Prison Paithan,

District Chatrapati Sambhaji Nagar.

... Respondents

None for the Petitioner.

Mr. Ajay Patil, A.P.P. for the State.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.**

RESERVED ON : 15th October, 2025.

PRONOUNCED ON : 11th December, 2025.

JUDGMENT [Per : RANJITSINHA RAJA BHONSALE, J] :-

1) By way of this Petition filed under Article 226 and 227 of the Constitution of India, Petitioner seeks to quash and set aside the impugned

Order/Communication dated 10th September, 2019 passed by Learned District Judge-1 and Additional Sessions Judge, Malegaon, whereby the Petitioners request for special remission of three months as per the Government Resolution dated 3rd June 2017 was rejected. By the said Order/Communication, the Petitioner has been denied the benefit of State remission.

2) The Additional Sessions Judge-1, Malegaon by Order dated 11th September, 2012 passed in Sessions Case No.46/2011 has convicted the Petitioner under Section 302 of the Indian Penal Code for committing murder of his wife and daughter and sentenced him to suffer rigorous imprisonment for life and to pay a fine of Rs. 1,000/- (Rs. One Thousand Only), in default of payment of fine, to further suffer rigorous imprisonment for two months. The Petitioner is also convicted under Section 309 of the Indian Penal Code and sentenced to suffer simple imprisonment for three months.

3) The Learned District Judge-1 and Additional Sessions Judge, Malegaon by the Order/Communication dated 10th September, 2019 was pleased to reject the remission of part of the punishment of the Applicant/Accused on the ground that he had committed the murder of his wife and daughter by strangulation and the crime was committed in premeditated and diabolic manner. The Petitioner has completed 13 years and 4 months of his sentence and continues to be in jail.

4) The grievance of the Petitioner is that, he has been denied with

the benefit of the Government Resolution dated 3rd June, 2017. We have perused the Circular dated 3rd June, 2017. The Government Resolution dated 3rd June, 2017 indicates that the entitlement of remission under the said Government Resolution dated 3rd June, 2017 is based on a period of imprisonment already undergone by the concerned Convict. We have noted that the said Circular, does not differentiate or distinguish the period of the remission which a convict would be entitled to, based on the manner, seriousness or gravity of the crime committed. We find that, the Government Resolution is based solely on a period of imprisonment undergone and nothing more. The said Circular further expressly excludes or carves out an exception in respect of prisoners who are not entitled to avail any benefit under said Government Resolution. The categories of prisoners mentioned in the said Government Resolution are as under i.e. (i) prisoners who are undergoing sentences under Sections 106 to 110 of the Code of Criminal Procedure; (ii) prisoners who are undergoing sentences under Sections 121 to 130 of the Indian Penal Code; (iii) prisoners undergoing sentence under Central Act; (iv) prisoners undergoing sentence under the Civil laws; (v) Juvenile under Observation Homes and (vi) prisoners who are unauthorizedly outside the jail. Apart from the said exceptions, there is no other condition or basis on which the benefit can be denied to a convict. The Government Resolution is applicable to all convicts who are undergoing the sentence as of 3rd June 2017, except the categories Nos (i) to (vi), specifically mentioned

therein. We note that the, Government Resolution does not carve out an exception in respect of serious or heinous crime or in case of double murder, as is sought to be made out.

5) We have also noted that, the Order dated 10th September, 2019 rejects the remission due to the Petitioner only on the ground that, the Petitioner was involved in a crime which was committed in premeditated and diabolic manner. The said reason for rejection of the request for remission is misplaced and untenable. There is no other valid or sustainable reason given.

6) In view of the above, we are of the opinion that the present Criminal Writ Petition is required to be allowed, by issuing directions to the Respondents to grant the Petitioner benefit of the remission in terms of Government Resolution dated 3rd June, 2017.

6.1) The Writ Petition is made absolute in the aforesaid terms.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)