

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

WRIT PETITION NO. 2505 OF 2025

Md.Sharif Badshah Khan

... Petitioner

V/s.

The State of Maharashtra & Ors

... Respondents

Mr. Aniket Vagal a/w Mr. S.Kolhekar, Ms.Juhi Kadu, Mr. Kunal Pednekar for the Petitioner.

Mr. Ashish I. Satpute, A.P.P. for Respondent No.1-State.

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

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

DATE : 6th October, 2025.

Judgment (Per. A.S. Gadkari. J) :-

1) By this Petition under Article 226 of the Constitution of India, the Petitioner has impugned the Order dated 14th May, 2021, passed by the Competent Authority i.e. the Respondent No.2, placing him in category 4(d) of 15th March, 2010, guidelines issued by the Government of Maharashtra, Home Department.

1.1) Category 4(d) of the said guidelines reads as under :-

Category No.	Sub Category	Categorization of Crime	Period of imprisonment to be undergone including remission subject to a minimum 14 years of actual imprisonment including set off period
4.		MURDERS FOR OTHER REASONS	
	(d)	Murder committed by more than one person/group of persons	24

2) Perusal of the Judgment and Order passed by the trial Court indicates that, there were disputes between family members of the Petitioner and the informant, Smt.Gausabi Farid Shaikh. On the fateful day, the Petitioner alongwith other two accused persons went to the house of informant and assaulted Noor Mohammad. He succumbed to injuries while undergoing treatment. The trial Court has convicted the Petitioner and co-accused under Section 302 read with 34 of the Indian Penal Code and sentenced to undergo imprisonment for life. The decision of the trial Court has been upheld by this Court in Criminal Appeal No.367 of 2009 decided on 12th January, 2016.

3) The offence in question is dated 22nd November, 1998 and the trial Court has passed the Judgment and Order on 31st January, 2009. The fact that, the guidelines issued on 15th March, 2010 are more beneficial to the Petitioner is not disputed by the learned Advocate for the Petitioner.

3.1) Mr. Vagal, learned Advocate appearing for the Petitioner submitted that, the case of Petitioner would fall under category of 4(b) and not 4(d) of the said guidelines. He submitted that, if the Petitioner is given benefit of the said category, he will have to undergo two years of lesser sentence than prescribed under category of 4(d). He therefore requested this Court to place the Petitioner in category of 4(b) of the said guidelines.

4) Category 4(b) of the said guidelines reads as under :-

Category No.	Sub Category	Categorization of Crime	Period of imprisonment to be undergone including remission subject to a minimum 14 years of actual imprisonment including set off period
4.		MURDERS FOR OTHER REASONS	
	(b)	Murder committed with premeditation, or a person having criminal history.	22

4.1) Perusal of record clearly indicates that, the Petitioner alongwith two other accused persons, committed murder of Noor Mohammad due to long standing enmity between his family and the family of Smt.Gausabi Farid Shaikh. Noor Mohammad (deceased) was the son of Smt. Gausabi.

5) As noted earlier, on the fateful day, the Petitioner armed with a sword along-with other accused persons wielding respective weapons came to the house of Smt. Gausabi and assaulted Noor Mohammad. The act committed by the Petitioner therefore falls within the purview of category 4(d) i.e. murder committed by more than one person/group of persons and therefore the total imprisonment as prescribed under that category is 24 years.

6) After perusing the entire record, this Court is of the considered view that, the Respondent No.2 has not committed any error while placing the Petitioner in category 4(d) of the said guidelines.

7) In view of the above, we find no merits in the Petition and is accordingly dismissed.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)