



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 395 OF 2022

[Dinesh s/o Keshav Tambe **vs.** Superintendent, Central Prison, Amravati
and anr.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. A. R. Sharma, Advocate (Appointed) for the petitioner
Mrs. N. R. Tripathi, APP for the State/respondents

CORAM: ANIL L. PANSARE AND
RAJ D. WAKODE, JJ.

DATED : 03-11-2025.

Heard.

2. By present petition, the petitioner is seeking to quash and set aside order/communication dated 14-2-2022 issued by learned Additional Sessions Judge, Greater Mumbai with a further prayer to grant remission of three months to the petitioner in terms of Government Resolution (G.R.) dated 3-6-2017.

3. Learned counsel for the petitioner submits that the petitioner was convicted on 29-11-2018 for the offences punishable under Section 376(2) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012. She fairly states that benefits under the G.R. dated 3-6-2017 are available to the prisoners, who were convicted prior to 14-4-2016, the 125th Birth Anniversary of Dr. Babasaheb Ambedkar. She submits that the Government of Maharashtra has issued a clarification on 20-2-2024 stating therein that benefits under the said G.R. is also available to the prisoners, who were convicted but were released on bail on suspension of sentence pending appeal, which was filed prior to

14-4-2016. In support, she has relied upon judgment of Division Bench of this Court in the case of ***Sonu @ Ashwin Vs. State of Maharashtra in Criminal Writ Petition No. 865/2023 dated 1-8-2024*** wherein the Court, after taking note of the clarification issued by the State Government, held that the G.R. was issued with a particular purpose of special remission scheme and it was made available to convicts who were in jail as on 14-4-2016 or whose appeals are/were pending but they are/were released on bail on suspension of sentence.

4. That being so and since the petitioner has been convicted after the cut off date, the benefit under the G.R. will be not available to him. The petition is accordingly dismissed.

5. Fees of appointed counsel for the petitioner shall be quantified and paid in accordance with law.

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