



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

CRIMINAL WRIT PETITION NO.551 OF 2025

PETITIONER : Keshav Kisan Meshram,
Convict No.C/7765, Aged 43 years,
Occ. Nil, Confined at Nagpur
Central Jail
(Presently At Open Prison, Nagpur)
R/o- Jawali, Tehsil Umrer, District
Nagpur
(Maharashtra)

//VERSUS//

RESPONDENTS : 1. State of Maharashtra through
Secretary Home Department
Mantralaya, Mumbai
2. The Superintendent, Central Prison,
Nagpur

Mrs. S. Wankhede-Chavhan, Advocate for the petitioner.
Mr. D.V. Chauhan, Sr. Advocate/PP assisted by Mr. Amit Chutke,
APP for the respondent/State.

CORAM : **ANIL L. PANSARE AND**
RAJ D. WAKODE J, J.
DATED: 24.11.2025

ORAL JUDGMENT

1. Leave to amend prayer clause granted.

2. Amendment shall be carried out forthwith.
3. Heard. Issue Rule returnable forthwith. The learned Senior Advocate /PP waives service of Rule on behalf of respondents/State. With consent of the learned counsel for the parties, the petition is taken up for final hearing.
4. The petitioner is aggrieved by order dated 06.03.2025 passed by respondent No.1 categorizing him under clause 4(d) of the Government Resolution dated 15.03.2010. The resolution provides guidelines for premature release of convicts. As per category 4(d) the period of imprisonment to be undergone is provided. It refers to murders committed by more than one person/group of persons. The minimum period of imprisonment including set off to be undergone is 24 years.
5. The argument of petitioner is that though four persons were put to trial, ultimately only one was found guilty. Therefore, it cannot be said that murder has been committed by more than one person.
6. As such learned Senior Counsel/PP made an attempt to justify the order saying that since allegations were against four persons, merely because the prosecution failed to prove the involvement of other three in the crime by itself would not mean that they were not involved.
7. In our view, since the appellate Court ultimately held only one person to be guilty of crime, it will be incorrect to say that murder in question has been committed by more than one person.
8. In that view of the matter, the petitioner is correct in contending that petitioner will fall in category 3 (b) which provides for murders arising out of land dispute, family feuds, family prestige and superstition and where

the crime has been committed with premeditation either individually or by gang.

9. In the present case, there is no dispute that murder was committed and had arisen out of superstition. In the circumstances even if it is to be presumed that the murder was committed by the gang, the petitioner will fall in category 3(b).

10. Accordingly, we set aside the order dated 06.03.2025 passed by respondent No.1 and direct respondents to release the petitioner after counting the imprisonment in terms of category 3(b) of Government Resolution dated 15.03.2010.

11. Rule made absolute in the above terms.

(RAJ D. WAKODE, J.)

(ANIL L. PANSARE, J.)

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