



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

CRIMINAL WRIT PETITION NO.806 OF 2025

PETITIONER : Rama Kishore Sahakar,
(In Jail) Aged 45 years,
Convict C-303 (7537),
Presently at Central Prison,
Nagpur

//VERSUS//

RESPONDENTS : 1. State of Maharashtra through its
Secretary, Home Department, Mantralaya,
Mumbai-32
2. Jail Superintendent,
Central Prison, Nagpur

Mr. M.N. Ali, Advocate for the petitioner.
Mr. S.A. Ashirgade, APP for the respondent/State.

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

ORAL JUDGMENT

1. Heard. Issue Rule returnable forthwith. The learned APP waives service of Rule on behalf of the respondents. With consent of the learned Counsel for the parties, the petition is taken up for final hearing.

2. The petitioner has been convicted for the offence punishable under Section 302 of the Indian Penal Code. The question that arises for consideration is whether petitioner should be put in category 3(b) of Government Resolution dated 15th March, 2010

3. The facts indicate that there was dispute between two families which resulted into murder. Respondent No.2 has put petitioner in category 4(d) of Government Resolution dated 15th March, 2010. The resolution pertains to guidelines for premature release of prisoners. As per category 4(d), petitioner will be released after 24 years including period of set off.

4. According to petitioner, he should have been categorized under 3(b) which provides for murders arising out of land dispute, family feuds, family prestige and superstition. Counsel for petitioner submits that since there is no dispute that the murder was committed because of conflict between two families, petitioner should have been categorized under 3(b).

5. As against learned APP submits that dispute is not within one family but it is within two different families and therefore, the petitioner has been rightly categorized under 4(d).

6. We are not in agreement with the submissions made by learned APP.

7. Category 3(d) provides for murder arising out of land dispute which would mean any murder that arises out of land dispute and not necessarily within one family. Thus, committal of murder of any person arising out of land dispute will fall in category 3. Similarly, the murder of any person arising out of family prestige will also fall in category 3. Similar will be the case if murder of a person is arising out of superstition. Akin to above, if the murder

arises out of family feuds it would mean murder of any person arising out of quarrel between two families.

8. That being so, categorization done by respondents appears to be contrary to the aforesaid Government Resolution of 2010.

9. At this stage, learned APP submits that petitioner is now booked for offence punishable under the NDPS Act vide Crime No293/2024. He has allegedly brought ganja in prison when he was in open prison.

10. He has invited our attention to the paragraph No.7 of the order dated 16.01.2025 by which petitioner was categorized under category 4(d). The order of remission is subject to review depending on the petitioner's behaviour. Learned APP submits that subsequent behaviour will make him disentitle for early release.

11. In our view, the behaviour of the petitioner after passing order of remission will have its own consequences. However, that by itself will not have any bearing on categorization, which depends on the facts of the case for which the petitioner was tried. Since petitioner herein had been convicted for committing murder because of the dispute that arose between two families he will have to be categorized under category 3(b) for the purpose of remission.

12. Accordingly, we proceed to pass following order:-

ORDER

- i. The Criminal Writ Petition is allowed.
- ii. The order dated 16.01.2025 (Annexure II) passed

by respondent No.1 is quashed and set aside.

iii. Respondent No.1 shall categorize petitioner in category 3(b) of the Government Resolution dated 15.03.2010 guidelines and extend necessary benefits.

iv. Respondent No.1 shall be however, at liberty to consider subsequent developments and pass appropriate orders in this regard.

v. Rule is made absolute in terms of above.

(RAJ D. WAKODE, J.) (ANIL L. PANSARE, J.)

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