



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

Criminal Writ Petition No.807 of 2025

Roshan Kishor Shahakar

vs.

State of Maharashtra, through its Secretary, Home Department, Mumbai and another

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

*Ms. P.S. Kaware, Advocate (appointed) for the Petitioner.
Mrs. Nandita Tripathi, A.P.P. for the Respondents/State.*

CORAM : **ANIL L. PANSARE & RAJ D. WAKODE, JJ.**

DATE : **1st DECEMBER, 2025.**

The petitioner is aggrieved by the decision taken by respondent No.2 in not extending the benefits of the Government Resolution dated 03/06/2017, by which a certain period of remission was proposed depending on the sentence imposed on the prisoner. The petitioner has been convicted for the offence punishable under Section 302 of the Indian Penal Code and sentenced to imprisonment for life.

02. As per the said Government Resolution, the petitioner is entitled to remission of three months, subject to certain conditions. The petitioner's case does not fall within any of the exceptions/conditions. The Government Resolution, however, also provides that the benefits shall be extended only after obtaining a report from the Court which has convicted the prisoner.

03. Accordingly, respondent No.2 forwarded the case papers to the concerned Sessions Court at Nagpur. In response, the Sessions Court submitted a report stating that since the petitioner has committed murder with pre-determination, he is not entitled to premature release.

04. The argument is that the case was never referred to the Sessions Court seeking report as to whether the petitioner should be prematurely released. We find substance in the said argument. The Government Resolution in question pertains to grant of remission for a certain period on

account of the 125th Birth Anniversary of Dr. Babasaheb Ambedkar. Under the said Government Resolution, life convicts would get remission of three months if they do not fall within any of the exceptions. As stated earlier, the petitioner does not fall in the exception.

05. In these circumstances, the report filed by the Sessions Court declining the benefit of remission to the petitioner is apparently erroneous. Consequently, the refusal by respondent No.1 to extend the benefits of the Government Resolution is equally erroneous and is liable to be set aside.

06. Accordingly, we partly allow the petition. Respondent No.2 shall extend the benefits of Government Resolution dated 03/06/2017 to the petitioner within a period of four weeks. The fees of the appointed Counsel shall be quantified and paid as per rules.

07. The petition is disposed of in above terms.

(Raj D. Wakode, J.)

(Anil L. Pansare, J.)

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