



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

CRIMINAL WRIT PETITION NO. 860/2023

Shri Ramkrushna Namdev Pawar

Vs.

The State of Maharashtra and Ors.

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

Court's or Judge's orders

Ms G. D. Paunikar, Advocate (Appointed) for Petitioner.
Mr. I. J. Damle, A.P.P. for Respondent Nos.1 to 3/State.

CORAM : NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.

DATED : 27/02/2025.

. The petitioner is seeking his premature release on the ground of his past conduct post conviction and that he is not keeping well. This Court is required to be sensitive to the various punishments awarded to the petitioner *qua* his criminal conduct, which read as under :

Sessions Trial	Name of Court	Under section	Punishment	Fine	Remarks
Sessions Trial No. 117/1994	Additional Sessions Court, Akola.	302 I.P.C.	Life Imprisonment	Rs.500/-i/d 2 months punishment	----
Sessions Trial No. 290/1997	Judicial Magistrate First Class, Akot	452 I.P.C.	1 year	Rs.500/-i/d 3 months punishment	----
Sessions Trial No. 04/1999	2 nd Ad-hoc Additional Sessions Court, Amravati.	302 I.P.C.	Life Imprisonment	Rs.500/-i/d 15 months punishment	----

2. As a sequel of above, it appears that the respondent, based on the scheme framed under Section 432 of the Criminal Procedure Code, has categorized the petitioner for a period of 30 years.

3. It is not the case of the petitioner that the categorization is wrong but what is being sought to be canvassed is that post his conviction in 2019 for an offence under Section 452 of the Indian Penal Code, he has improved his conduct and now there are no complaints against him. It is further sought to be canvassed that considering his ill-health and he having abided the terms of furlough and parole leave, which were not violated, his premature release by reducing his period of imprisonment needs to be considered and directed.

4. As far as the aforesaid contentions are concerned, same are resisted by the learned A.P.P. on the ground that the categorization is based on the scheme framed by the State Government under Section 432 of the Cr.P.C..

5. We have considered the rival claims.

6. Once the petitioner's imprisonment is categorized pursuant to the policy framed under Section 432 of the Cr.P.C., it is for the petitioner to demonstrate that either his categorization is wrong or he is entitled for premature release by reducing his period of imprisonment. But for claiming that the petitioner suffers from ill-health and his conduct post his conviction for the third offence in 2019 is up to the mark by itself will not lead to drawing a conclusion that the petitioner is entitled for premature release.

7. No case for causing interference in extraordinary jurisdiction is made out.

8. The petition as such fails, stands dismissed.

(MRS. VRUSHALI V. JOSHI, J.) (NITIN W. SAMBRE, J.)