



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

CRIMINAL WRIT PETITION NO. 965 OF 2024

(Shri Satish s/o Yadavrao Dhoke vs. State of Maharashtra and another)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

None for the petitioner.
Mr. I.J.Damle, APP for respondents.

**CORAM : ANIL L. PANSARE AND
SIDDHESHWAR S. THOMBRE, JJ.
SEPTEMBER 25, 2025**

1) The petitioner seeking to modify/comply the order dated 06/08/2018 passed by respondent No.1 to release the petitioner after completing the period of imprisonment.

2) Learned APP submits that petitioner was convicted for the offence punishable under Sections 341, 342, 323, 506 Part-II, 376(2)(g) read with 34 of the Indian Penal Code (IPC) and sentenced to undergo imprisonment for life. He submits that the State as well as original accused/petitioner approached the High Court against the said judgment. The State approached the High Court because trial Court had acquitted the petitioner under the provisions of Section 3(1)(ii) of the Maharashtra Control Organised Crime Act (MCOC Act); as against, the petitioner approached the High Court against the order of conviction passed by the trial Court.

3) He submits that the High Court vide judgement dated 10/02/2014 in Criminal Appeal No. 317/2010 filed by the State, partly allowed the appeal and held the petitioner i.e. original accused guilty for the offence punishable under Section 3(1)(ii) of

the MCOC Act, 1999 and imposed fine of Rs.5,00,000/-; with default sentence for a period of three years.

4) Learned APP submits that the petitioner was lodged in jail on 23/02/2009. The reasons assigned by the respondent to not to release the petitioner finds place in paragraph 12 of the reply dated 19/12/2024 filed by respondent No.2, which reads as under :-

“12. As to ground (B) & (C) : The contents of said grounds pertains to a petitioner completing 22 years imprisonment with remission. However, as stated earlier in the two affidavits in Criminal Writ Petition No. 331/2022 as also in the present petition, though the petitioner completed 22 years of imprisonment along with remission get completed on 01.08.2024, the petitioner is undergoing the sentence of fine imposed upon him vide judgment dated 10.02.2014 by this Hon'ble Court in Appeal No. 317/2010 wherein the petitioner was directed to deposit an amount of Rs. 5,00,000/- in addition to sentence of 10 years. The petitioner has failed to pay the fine of Rs. 5,00,000/- and as such petitioner is required to undergo three years period of sentence and would also require to undergo one year more sentence in default of payment of Rs. 1,000/- as imposed by the learned Session Court while convicting for the offence under section 376 of Indian Penal Code. The petitioner is therefore, not entitled to release forthwith even though the petitioner has completed his 22 years imprisonment along with remission.”

5) Learned APP submits that the petitioner has been categorised in category 8(c) as per the guidelines dated 15/03/2010 issued by the State Government to extend the benefit of remission to the persons convicted for various offences. The petitioner is categorised in category 8(c), which is meant for the conviction under Section 376(1) indicating rape on physically handicapped and mentally retarded girl, pregnant woman, gang rape or custodial rape. In the present case, the petitioner carried the blame of committing rape on prosecutrix. As per the

guidelines period of imprisonment to be undergone including remission is for a period is 22 years, including set off.

6) According to the respondent No.2 the said 22 years are completed on 01/08/2024. The petitioner is however, undergoing sentence of fine imposed upon him in addition to the sentence of 10 years. The petitioner has not deposited the fine and as such, he is required to undergo three years period of sentence and further to undergo one year more sentence for default of payment of fine of Rs.1000/- imposed by Sessions Court while convicting the petitioner under Section 376 of IPC. The petitioner is thus not entitled to be released and will be released only upon completion of period of imprisonment in terms of the judgment passed by the Sessions Court.

7) We are in agreement with the submissions made by learned APP.

8) As such, we had heard the matter partly on 10/09/2025, but at the request of learned counsel for petitioner, it was adjourned to week commencing 22nd September 2025. Accordingly, petition is listed today.

8) None appeared for the petitioner and therefore, there is no contravention to the submissions made by learned APP. Even otherwise the facts as noted above, indicate that the petitioner is not entitled for immediate release as claimed. The petition is devoid of merits and accordingly, is dismissed. No order as to costs.

(JUDGE)

(JUDGE)