



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

CRIMINAL WRIT PETITION NO.984/2024

Ranjit sing s/o Ramsing Mungona (In Jail) Vs. State of Maharashtra and another

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

Court's or Judge's order

Mr. A.Y. Sharma, Advocate for petitioner
Mr. Anup Badar, APP for the respondent nos.1 and 2.

CORAM : NITIN W. SAMBRE & MRS. VRUSHALI V. JOSHI, JJ.
DATE : FEBRUARY 20, 2025.

1. Heard.
2. The accused was convicted in Sessions Trial No.186/1995 by the Sessions Judge, Akola at Exhibit 224 vide judgment dated 31st July, 2004 and following punishment came to be awarded:-

"Accused nos.1) Satish Ramsing Mugona, 2) Sumersing Ramsing Mugona, 3) Jaggu Ramsing Mugona, 4) Rajusing Ramsing Mugona, 5) Surendrasing Ramsing Mugona, 6) Vikramsing Ramsing Mugona, 7) Ranjitsing Ramsing Mugona and 12) Rameshsing Ramsing Rajput, all Resident of Lakhpuri, Tahsil Murtizapur, District Akola are convicted of the offence punishable under Section 148, 307 r/w 149 and 302 r/w 149 of the Indian Penal Code.

They are sentenced to suffer R.I. for 1 year and 6 months and to pay fine of Rs.1000/- each in default of payment of fine the accused shall undergo further R.I. for two months, for the offence punishable under section 148 of Indian Penal Code.

They are further sentenced to suffer R.I. for 7 years each and to pay fine of Rs.3000/- each in default of payment of fine, the accused shall undergo further R.I. for six months, for the offence punishable under Section 307 r/w 149 of Indian Penal Code.

They are sentenced to suffer Imprisonment for life each and to pay fine of Rs.5000/- each in default of payment of fine, the accused shall undergo further RI for one year, for the offence punishable under section 302 r/w 149 of Indian Penal Code.

All the sentences shall run concurrently.

All the accused nos.1 to 7 and 12 shall surrender to their bail bonds.

The accused nos.1 to 7 and 12 are entitled to set off under section 428 of Cr.P.C. for the period during which they were in jail.

Accused nos. 8) Rajasing Laxmansing Mugona 9) Mahendrasing Rajasing Mugono, 10) Ramsing Mansing Mugona and 11) Madhusing Pandusing Rajput are acquitted of the offences with which they are charged. Their bail bonds shall cancelled.

Muddemal articles being worthless be destroyed after the period of appeal is over."

3. The post-conviction, the petitioner sought categorization in view of the Government communication dated 11th May, 1992 which later on culminated in the Government Resolution dated 15th March, 2010.

4. It is the case of the petitioner that his categorization should be under the head "Murder arising out of family feuds and family prestige". According to him, even if it is inferred that the offence was committed with premeditation by group or gang of the persons, at the most, he is liable to be made to suffer for 22 years and not for 24 years.

5. As against above, Mr. Badar, learned Additional Public Prosecutor appearing for the respondents would draw support from the conviction

in Sessions Trial No.186/1995 decided on 31st July, 2004 in which the petitioner was convicted.

6. According to him, the categorization for 24 years is justified as the petitioner committed the murder by forming an unlawful assembly with group of persons with common intention and premeditation. That being so, he has sought dismissal of the petition.

7. Having considered the rival claims, we are required to refer to the consideration in the judgment of conviction delivered on 31st July, 2004 in Sessions Trial No. 186/1995 by the Sessions Judge.

8. The case of the prosecution was based on the issue about the marriage of Jayashree, an orphan, which was settled with the accused Satishsing which was to be performed on 21st March, 1995. When the marriage was in progress, a demand of dowry of Rs.10,000/- was made by Rameshsing, elder brother of Satishsing, who threw Chappal at the bride and also slapped one Chandansing, the husband of elder sister of Jayashree. The same led to marriage ceremony being discontinued and the marriage accordingly stood cancelled.

9. It appears that Jayashree went to village Varkad on 8th May, 1995 to participate in the marriage, where she stayed for some time. On 13th May, 1995, the accused persons with common intention carried weapon and murdered Prakashsing, son of Lalsing, at whose place Jayashree was to visit.

10. The motive attributed to the petitioner is that of family feuds or family prestige. In such an eventuality, even if the petitioner has committed an offence along with other accused persons, the same can be categorized under arising out of family feuds or family Prestige committed with premeditation by a gang. As such, the petitioner should have been categorized for 22 years of actual imprisonment including that of set off.

11. That being so, in our opinion, the petition needs to be allowed.

12. The order impugned dated 17th August, 2023 is hereby quashed and set aside by directing the respondents that the petitioner be categorized to suffer imprisonment for 22 years as per Clause 3(b) of Annexure-I to the Government Resolution dated 15th March, 2010.

13. The petition stands allowed in the aforesaid terms.

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