



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

CRIMINAL WRIT PETITION NO.1029/2024

Raju @ Pintu Baiju Kawade (C-5847)

Vs.

The State of Maharashtra and Anr.

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

Court's or Judge's orders

Ms Ratna Singh, Advocate for Petitioner.
Mrs. A. J. Gohokar, A.P.P. for Respondents/State.

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

DATED : 25/03/2025.

. Heard.

2. The challenge is to the communication dated 17.01.2024 whereby the convicting Court has opined against the petitioner in the matter of granting remission pursuant to the policy reflected in the Government Resolution dated 03.06.2017.

3. It is claimed by Mrs. Ratna Singh that the policy does not reflect that the remission cannot be extended to the convict under the Protection of Children from Sexual Offences Act ('POCSO Act') and sought support from the orders dated 04.11.2019 and 19.01.2024 delivered in Criminal Writ Petition Nos.934/2018 and 579/2023 respectively.

4. The fact remains that on perusal of the Government Resolution dated 03.06.2017, we hardly see any embargo on the right of the petitioner to claim remission pursuant to the policy reflected therein merely because he is a convict under the provisions of POCSO Act.

5. That being so, we direct the respondent No.2 to decide the claim for remission pursuant to the policy reflected in the Government Resolution dated 03.06.2017 thereby ignoring the negative recommendations of the convicting Court as reflected in the communication dated 17.01.2024.

6. The decision be communicated to the petitioner within a period of ten weeks from today.

7. The petition stands allowed in the above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)