



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

**CRIMINAL WRIT PETITION NO. 1008 OF 2025**

[Pankaj Dadarao Ambadkar **vs.** The State of Maharashtra through its Secretary,  
Home Department and anr.]

Office Notes, Office Memoranda  
of Coram, Appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's orders

Ms. Ruperi C. Meshram, Advocate instructed by Ms. R. A. Singh,  
Advocate for the petitioner  
Mrs. N. R. Tripathi, A.P.P. for the State/respondents

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

**DATE** : **22-12-2025.**

Heard.

2. The petitioner's request for extending benefit of remission in terms of Government Resolution (G.R.) dated 3-6-2017 has been rejected on the ground that the petitioner is convicted for offence under the provisions of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') and that the Court trying the petitioner has opined that since the petitioner is convicted for the offence punishable under the POCSO Act, he is not entitled for remission.

3. In identical set of facts, the Division Bench of this Court (Coram : Z. A. Haq and M. G. Giratkar, JJ.) vide judgment dated 4-11-2019 in Criminal Writ Petition No. 934/2018 held as under :-

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*“2. The petitioner applied for the benefit of remission as per G.R. dated 03.06.2017. The proposal was sent to the 5th District Judge & Addl. Sessions Judge, Nagpur. The 5th District Judge & Addl. Sessions Judge, Nagpur opined that the petitioner was convicted for the offence under the POCSO Act, therefore, he is not entitled for remission. On that ground, his application for remission is rejected.*

*3. From the perusal of G.R. dated 03.06.2017, it appears that specific provisions are made for the remission of sentence of accused who are convicted for a specified period. The accused who is convicted for more than five years is entitled for remission of three months. The petitioner is convicted for more than five years. There is no specific bar in the said G.R. for not giving any benefit to the accused who is convicted under the provisions of POCSO Act.*

*4. The specific offences mentioned in the G.R. are Sections 106 to 110 of the Code of Criminal Procedure and 121 to 130 of the Indian Penal Code. As per the G.R. dated 03.06.2017, the petitioner is entitled for remission of three months. The respondents have wrongly rejected the application of the petitioner. Hence, petition is allowed. The respondents are directed to give the benefit of the G.R. dated 03.06.2017 to the petitioner.”*

4. Thus, this Court categorically held that the G.R. under question does not bar benefit for the accused convicted under the provisions of POCSO Act. Despite such fact, the respondents have denied the benefit which runs contrary to the view taken by this Court. Accordingly, the petition is allowed.

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Communication dated 14-11-2025 issued by the Additional Sessions Judge, Achalpur is quashed and set aside.

5. The respondents shall consider the petitioner's request for remission in terms of G.R. dated 3-6-2017 and shall extend the remission, if there is no other legal impediment. The decision shall be taken within four weeks from today.

6. Writ petition is disposed of in above terms.

**(JUDGE)**

**(JUDGE.)**

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