



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

CRIMINAL WRIT PETITION NO. 528 OF 2025

Kawdu Yadavrao Kadam Vs. The State of Maharashtra, through its Secretary, Home
Department, Mumbai & Anr.

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

Court's or Judge's orders.

Ms. Sunita Paul, Counsel (appointed) for the Petitioner.
Ms. N.R. Tripathi, APP for the Respondents.

CORAM : ANIL L. PANSARE AND M.M. NERLIKAR, JJ.
DATE : 7th AUGUST, 2025.

Heard.

2. The petitioner is convicted for the offence punishable under Section 302 of the Indian Penal Code, 1860, and sentenced to suffer life imprisonment. The petitioner filed an appeal against the said judgment, being Appeal No.132/2022, which is pending before this Court.

3. The petitioner on 25th September, 2022, made an application to the Sessions Judge, Wardha, seeking remission in terms of the Government Resolution dated 3rd June, 2017. The learned Sessions Court has, *vide* letter dated 20th October, 2022, communicated to the Superintendent of Central Prison, Nagpur, that since the appeal is pending before this Court, he is not in a position to give opinion.

4. It is surprising that such a communication is made by the Sessions Court merely because appeal is pending. Such status cannot act as bar for extending benefit in terms of the Government Resolution, if there is otherwise no legal

impediment. The Sessions Court could have requested for record and proceedings which this Court could have taken note of and passed appropriate orders. Having not done so, the communication dated 20th October, 2022, appears to us to be untenable.

5. We accordingly relegate the matter back to Sessions Court, Wardha. It shall consider the request made by the petitioner in accordance with the provisions of the Government Resolution dated 3rd June, 2017.

6. Registry shall forward record and proceedings of Sessions Case No.62/2013 in Crime No.140/2012 to the District Judge-2 and Additional Sessions Judge, Wardha, who shall peruse the same and render his opinion and communicate the same to the Superintendent of Central Prison, Nagpur. The decision shall be taken within two weeks from the date of receipt of record and proceedings.

7. Registry shall ensure that record and proceedings of Sessions Case No.62/2013 in Crime No.140/2012 is delivered to the Sessions Court concerned, within two weeks from today.

8. Upon the receipt of the opinion of the Sessions Court, the State Government shall take a decision within four weeks thereafter.

9. Fees of the appointed counsel be quantified and paid as per Rules.

10. The petition is accordingly disposed of.

(M. M. NERLIKAR, J.)

(ANIL L. PANSARE, J.)