

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

944 CRIMINAL WRIT PETITION NO. 1719 OF 2025

Kailas s/o Kacharu Nikam
Life Convict No.C/5432,
Open District Prison, Paithan,
District Chhatrapati
Sambhajinagar

Petitioner

Versus

1. The State of Maharashtra
Through Additional Secretary,
Home Department, Maharashtra
State Mantralaya, Mumbai.
2. The Additional Director General
of Police and Inspector General
Prisons Department.
Maharashtra State, Pune
3. The Superintendent, Open
District Prison, Paithan

Respondents

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Mr. Abhinay Khot, Advocate appointed for petitioner.
Mr. N.B. Patil, A.P.P. for respondent Nos.1 to 3.

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**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

DATED : 16 JANUARY 2026.

Oral Order :

1. Rule. Rule made returnable forthwith. Heard finally
with the consent of the parties at admission stage.
2. By way of this petition, the petitioner is challenging the
impugned letter dated 10.12.2024 issued by learned District
Judge-2, Aurangabad whereby opinion has been given that no

benefit can be given to the petitioner under Government Resolution dated 3rd June 2017 issued on the occasion of 125th Birth Anniversary of Dr. Babasaheb Ambedkar. District Judge refused to give benefit of the aforesaid Government Resolution to the petitioner under the said opinion, since he was to undergo at least 20 years of imprisonment as per the category.

3. However, learned counsel for the petitioner heavily relied on the judgments of this Court dated 17th February 2025 and 29th July 2025 in Criminal Writ Petition No. 128 of 2025 and Criminal Writ Petition No. 432 of 2025 respectively. On going through these judgments, it is evident that the Co-ordinate Bench of this Court has already taken decision that under the Government Resolution dated 3rd June 2017 only it is to be seen that whether the offence committed by the petitioner attracts imprisonment of life and not the manner of commission of offence. Therefore, the present writ petition stands allowed in terms of prayer clauses "C" and "D". The opinion dated 10.12.2024 issued by learned District Judge-2, Aurangabad stands set aside and the respondents Authorities are directed to give benefit of Government Resolution dated 3rd June 2017 to the petitioner pursuant to his application dated 04.09.2024.

4. Writ petition is accordingly disposed of.
5. The fees of the learned counsel appointed for the petitioner is quantified to the tune of Rs. 8,000/- (Rupees Eight Thousand) to be paid to him by the High Court Legal Services Sub-committee, Aurangabad as early as possible and preferably within two months.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE