



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

CRIMINAL WRIT PETITION NO. 313 OF 2026

Vasant @ Jaikumar Dhoman
Ahire (C-8114)
Age : 62 Years, Occ. Convict,
At present Confined in Central Jail
Nasik,

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through Superintendent of Jail,
Central Jail, Nasik.
2. The Secretary,
Hone Department (Prison),
Mumbai 40005.

..RESPONDENTS

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Advocate for the Petitioner : Mr. Rupesh A. Jaiswal
A.P.P. for Respondent Nos. 1 and 2/State : Mr. P.S. Patil

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

DATED : 30 APRIL 2026

ORDER (PER SANDIPKUMAR C. MORE, J.) :

1. Heard rival submissions of learned counsel for the petitioner and learned A.P.P. for the Respondents/State.
2. Rule. Rule made returnable forthwith. Heard finally with consent of the rival parties.
3. Under this petition, the petitioner has prayed for following reliefs :

“A] By appropriate writ, order or direction in like nature to quash and set aside the impugned order of the Respondent No.2 dated 07.08.2025 (EXHIBIT-B) and thereby directing the Respondent No.2 to place the petitioner in category 3(b) category 2010 guidelines (EXHIBIT-C), and he be directed to release forthwith and, or,

B] By appropriate writ, direction or order in like nature to direct the Respondents to give benefit of State Remission of 15 months on eve of 75th Year of India's Independence as per G.R. dated 13.03.2024 and or, and accordingly to its effect entry be taken in Remission Register of petitioner forthwith and or,

C] By appropriate Writ, direction or order in like nature direct the Respondents to give benefit of State Remission of Three months to petitioner on eve of 125th Birth Anniversary of Dr. Babasaheb Abmedkar in view of G.R. dated 03.06.2017”.

However, the learned counsel for the petitioner confirms the fact that benefits under prayer clauses (B) and (C) are already given to the petitioner. In view of the same, we are entertaining this petition only in respect of prayer clause (A).

4. The petitioner is now seeking quashing of order dated 07.08.2025 passed by respondent No.2 whereby he has been placed under Category 4(c) of the Guidelines dated

11.04.2008 and 4(d) of the Guidelines dated 15.03.2010, issued by the Government in respect of grant of remission and furlough leaves.

5. The learned counsel Mr. Jaiswal for the petitioner submits that, the impugned order is passed erroneously. According to him, the petitioner has been erroneously placed in the Categories of 4(c) and 4(d) of the aforesaid Guidelines and he ought to have been placed under the Category 3(b) of those Guidelines. In support of his submissions, the learned counsel for the petitioner placed reliance on the following judgments :-

- (i) ***State of Haryana Vs. Jagdish [2010 CJ (SC)1946]***
- (ii) ***Criminal WP No. 1880 of 2018 (Balaji Saianna Bakwad vs State of Maharashtra and another)***

6. Per contra, the learned A.P.P. for the respondents opposed the submission by supporting the impugned order. According to him, respondent No.2 has placed the petitioner correctly under the Categories 4(c) and 4(d) of the Guidelines of 2008 as well as 2010. He pointed out that the petitioner had committed murder of one Mangalabai, and therefore, he has been rightly placed under the aforesaid categories.

7. With the help of learned counsel for the petitioner and learned A.P.P. we have gone through the material on

record along with the impugned order. Admittedly, the learned trial Judge in Sessions Case No. 21/2008 has observed that the petitioner and other accused committed house trespass with common intention armed with deadly weapons and thereafter committed assaulted complainant Sakharlal and when his mother Mangalabai intervened, the petitioner stabbed her on chest with knife resulting into her death. As such, the learned A.P.P. justified the impugned order, whereby the petitioner has been placed under category 4(c) and 4(d) of both the Guidelines, which read as thus :-

4(c) of 2008 Guidelines -

“Crime committed (a) above but with premeditation or by a gang or by a person having criminal history”.

“4(d)” of 2010 Guidelines -

Murder committed by more than one person/group of persons.

Further, we would like to reproduce Category 3(b) under which the petitioner wants himself to be placed.

“3” Murder arising out of land dispute, family feuds, family prestige and superstition.

3(b) Crime committed as above with premeditation, either individually or by gang.

8. However, after having gone through the judgment of learned trial Judge, it is evident that complainant Sakharlal

was having illicit relationship with one Sushma and the petitioner and other assailants are the relatives of Sushma. Further, they assaulted Sakharlal only for that reason since they wanted to perform marriage of Sushma to somewhere else. As such, considering the Category 3(b) of 2010 Guidelines, the aforesaid act also appears to be covered under the same.

9. By referring judgments in the case of ***State of Haryana and others Vs. Jagdish reported in A.I.R. 2010 SC 1690*** and ***Uday S/o Dhaku Sutar Vs. The State of Maharashtra & Another in Criminal Writ Petition No. 4544 of 2021*** by of this Court at Principal Seat, we have made the following observation in our judgment dated 24.02.2026 in ***Writ Petition No. 1357 of 2025 (Dagadu Chavdas Barhate vs The State of Maharashtra and another)*** :

“Thus, on going through the aforesaid observations, when it comes to a case which falls under different categories of the Guidelines of 2010, then the category which is beneficial to the convict, needs to be chosen. In the instant case, the incident had taken place on account of land dispute and there was also political rivalry between the present petitioner and the deceased. However, deceased was not the only accused in this matter, but certain other accused

were also there. Out of them, one Ankush had stabbed the deceased Digambar on the left side of his chest with a knife. Considering these facts, category 3(b), which is more beneficial to the petitioner, needs to be chosen in case of present petitioner”.

10. In the instant case also the criminal act of the petitioner is covered under Categories of 4(b) and 4(c) as well as 3(b) of both the Guidelines. Category 3(b) appears to be more beneficial to the petitioner and therefore, as per the ratio laid down in the judgments relied upon by the petitioner, he is entitled to be placed under Categories 3(b) of both the Guidelines. As such, we pass following order.

ORDER

- (i) The petition stands allowed and the impugned order dated 07.08.2025 passed by respondent No.2, is hereby quashed and set aside and the respondents are directed to place the petitioner under Category 3(b) of the Guidelines dated 15 March 2010. Necessary order to that effect be passed within 15 days from the date of this order.
- (ii) Rule is made absolute in the above terms and petition is accordingly disposed of.

(ABASAHEB D. SHINDE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE