

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4544 OF 2025

Ronald James Alvares
Age : 65 years, Occu : Convict,
R/o C4, Kiran Apartment,
Sampada Nalasopda,
West, Dist. Thane

...Petitioner

VERSUS

1) The State Of Maharashtra
Through Secretary,
Home Department (Prison),
Mumbai -400005.

2) Inspector General of Prisons,
Yerwada, Pune.

3) D. I. G. Prisons,
West Division, Yerwada, Pune.

4) Superintendent of Jail,
Central Jail Kalamba, Kolhapur.

...Respondents

Mr. Rupesh a. Jaiswal a/w Ramnik Pawar, Advocate for petitioner.

Mr. Shrikant Yadav, APP, for the Respondent-State.

M. M. More & S. H. Kumbhar, Liaison Officers, Jail, present.

**Coram: Madhav J. Jamdar &
Pravin S. Patil, JJ.**

Date: March 7, 2026

ORAL JUDGMENT (PER MADHAV J. JAMDAR, J.):

1. Heard Mr. Jaiswal, learned Advocate for the petitioner and Mr. Shrikant Yadav, learned APP for the respondents - State.
2. By the present writ petition filed under Article 226 of the Constitution of India, the petitioner challenges the legality and validity of the order dated 19th September 2025 passed by the Under Secretary, Home Department, State of Maharashtra in exercise of powers under Section 433A of the *Code of Criminal Procedure, 1973* (for short, "**CrPC**"). By the said order, it has been directed that the petitioner be released after completion of 14 years of actual imprisonment and 30 years of imprisonment with remission and the petitioner was directed to further undergo imprisonment for 10 years and to pay a fine of Rs.200/-, in default to undergo imprisonment for one month, for the offence punishable under Section 376(2)(g) of the *Indian Penal Code, 1860* (for short, "**IPC**").
3. It is the submission of Mr. Jaiswal, the learned Advocate for the petitioner, that the Supreme Court imposed punishment of life imprisonment upon the petitioner and further directed that the sentences for the offences for which the petitioner was convicted, except under Section 376(2)(g) of the IPC, shall run concurrently and the sentence under Section 376(2)(g) of the IPC shall run consecutively, after serving the sentences for the other offences. It is submitted that

the Supreme Court directed that after completion of the life imprisonment, the petitioner shall undergo the sentence of 10 years' of imprisonment imposed under Section 376(2)(g) of the IPC.

4. Mr. Jaiswal, learned Advocate for the petitioner, relied upon the decision of the Constitution Bench of the Supreme Court in the case of ***Muthuramalingam & Ors. v. State represented by Inspector of Police***, reported in (2016) 8 SCC 313. He invited attention to paragraphs 30 and 31 of the said decision and submitted that the view that life sentences can run consecutively does not lay down the correct law and the decision of the Supreme Court in the case of the Petitioner stands overruled to that extent.

5. It is, therefore, submitted that the impugned order dated 19th September 2025 passed by the State Government directing the release of the petitioner after completion of 30 years of imprisonment with remission by exercising powers under Section 433A of the CrPC is erroneous. According to him, the petitioner cannot be directed to undergo an additional sentence of 10 years under Section 376(2)(g) of the IPC after completion of life imprisonment.

6. He further submitted that the petitioner has already undergone actual imprisonment of 30 years, 6 months and 20 days and with remission he has completed 36 years, 5 months and 27 days of imprisonment. He, therefore, submits that the impugned order

deserves to be quashed and set aside and the petitioner be directed to be released forthwith.

7. On the other hand, Mr. Yadav, learned APP, submitted that the Government Resolution dated 10th January 2006 deals with convicts who have attained the age of 65 years and are treated as senior citizens. He submitted that in terms of the said Government Resolution dated 10th January 2006, the State Government is required to constitute a Committee and take a fresh decision in the matter. He further submitted that the State Government has already passed an order under Section 433A of the CrPC, directing that the petitioner shall be released after completion of 30 years of imprisonment including remission and, in addition thereto, he shall undergo 10 years of imprisonment under Section 376(2)(g) of the IPC. According to him, the said order has been passed in view of the directions issued by the Supreme Court in the case of the petitioner and, therefore, no interference with the impugned order is warranted.

8. He further submitted that the petitioner had absconded for a period of 1150 days and, therefore, Category 6(a) of the 1992 Guidelines would apply to him. According to him, the said conduct has been taken into consideration while directing that the petitioner shall be released after completion of 30 years of imprisonment including remission. He therefore submitted that interference with the

impugned order is not warranted.

9. Before considering the rival contentions, it would be necessary to set out certain factual aspects.

i. The petitioner and the other co-accused were convicted by the learned District and Sessions Judge at Pune in Sessions Case No.574 of 1992 *inter alia* for the offences punishable under Section 302 read with Section 34 of the IPC and were awarded the death sentence subject to confirmation by the High Court. Insofar as the offence punishable under Section 376(2)(g) of the IPC is concerned, the petitioner and the co-accused were directed to suffer rigorous imprisonment for 10 years and to pay a fine of Rs.200/-, in default to undergo rigorous imprisonment for one month each.

ii. This Court, by judgment and order dated 9th, 12th and 15th February 1996 passed in Criminal Appeal No.225 of 1995 and connected matters, confirmed the conviction and sentences awarded by the Trial Court except the conviction under Section 201 read with Section 34 of the IPC.

iii. The Supreme Court, in Criminal Appeal Nos.1064, 1065 and 1066 of 1997 filed *inter alia* by the present petitioner, modified the sentence awarded by the Sessions Court and confirmed by this Court under Section 302 read with Section 34 of the IPC from death to

imprisonment for life. It was further directed that the sentences for the offences for which the appellants were convicted, except under Section 376(2)(g) of the IPC, shall run concurrently and that the sentence under Section 376(2)(g) of the IPC shall run consecutively after completion of the sentences for the other offences. Paragraph 48 of the judgment of the Supreme Court in the case of the petitioner is relevant, which reads thus:

*"48. Considering the cumulative effect of all the factors, it cannot be said that the offences were committed under the influence of extreme mental or emotional disturbance for, the whole thing was done in a pre-planned way; having regard to the nature of offences and circumstances in which they were committed, it is not possible for the Court to predict that the appellant would not commit criminal act of violence or would not be a threat to the society. A-1 is 35 years' old, A-2 is 35 years' old and A-3 is 25 years' old. The appellants cannot be said to be too young or too old. The possibility of reform and rehabilitation, however, cannot be ruled out. From the facts and circumstances, it is not possible to predict as to who among the three played which part. It may be that role of one has been more culpable in degree than that of others and vice versa. Where in a case like this it is not possible to say as to whose case falls within the "rarest of the rare" case, it would serve the ends of justice if the capital punishment is commuted into life imprisonment. **Accordingly, we modify sentence awarded by Courts below under Section 302 read with Section 34 from death to life imprisonment. The sentences for the offences for which the appellants are convicted, except under Section 376(2)(g), I.P.C., shall run concurrently; they shall serve sentence under Section 376(2)(g), I.P.C. consecutively, after serving sentence for other offences.**"*

(Emphasis added)

iv. At this stage, it is relevant to note that, as per the prosecution case, the petitioner and the co-accused committed the murder of three persons, namely Mohan Ohal, his wife Ruhi Ohal and their son Rohan Ohal. They also committed robbery and also committed rape upon Ruhi

Ohal. The manner in which the crime was committed and the seriousness and brutality involved therein have been noted by the Supreme Court in paragraph 47 of its judgment, which reads thus:

*"47. Now reverting to the facts of this case, the mitigating circumstances in favour of the appellants are that A-1 is a qualified Civil Engineer and a married person having a son of four years old, his parents are serving at Spiritual Life Centre, Narsapur for the last thirty-six years. A-2 is 'Thaneshri' and 'Vasaishri', titles conferred on him for his body building; his marriage is a love marriage performed against the will of his parents as well as the volition of the parents of the wife and there is nobody to look after his wife and their two daughters and two sons of whom one is 11/2 years' old; A-3 pleaded that he is having a sick father and that he is only 27 years' old and an unmarried person. They are having no adverse antecedents in the sense of being habitual criminals. The aggravating circumstances are that **A-1 is no other than the nephew (daughter's son) of the deceased Mr. Mohan Ohol. Because of the relationship, he gained access inside the house for him and for his friends; they enjoyed the hospitality of Ohols' family as it was found that there were five used plates in the sink which indicate that five had food; may be, all the three appellants and the couple or two of them. The victims were unarmed; the heinous crime was committed for gains, namely to rob the valuables of the Ohols family; to give effect to their nefarious plans the unholy alliance of the appellants not merely robbed the family of the valuables but killed all the three members of the family then in the house and above all committed sexual assault on Mrs. Ruhi Ohol. It cannot but be a dastardly act for A-1 to commit rape of Mrs. Ohol, who is none other than the wife of his maternal uncle and perhaps as old as his mother.**"*

(Emphasis added)

v. Thus, paragraph No.48 of the judgment of the Supreme Court clearly shows that the Supreme Court modified the sentence of death awarded by the learned Trial Court and confirmed by this Court to imprisonment for life, however, it was directed that although the sentences for the other offences, including the sentence of life imprisonment, shall run concurrently, the sentence imposed under Section 376(2)(g) of the IPC shall run consecutively and shall be undergone after completion of the sentence for the other offences. In

effect, what the Supreme Court has directed is that the petitioner shall first undergo imprisonment for life and thereafter undergo the sentence imposed under Section 376(2)(g) of the IPC.

vi. In view of the said direction, the State Government, by the impugned order, has directed that the petitioner shall undergo 30 years of imprisonment including remission to serve life imprisonment and thereafter undergo 10 years of imprisonment imposed under Section 376(2)(g) of the IPC by the learned Trial Court, which has been confirmed up to the Supreme Court.

10. Thus, in view of the above factual aspects, it is necessary to consider the rival contentions.

11. It is the submission of the learned Advocate for the petitioner that the Guidelines dated 11th May 1992 ("**1992 Guidelines**") would apply to the case of the petitioner and that his case would fall either under Category 1(e) or Category 5(a). It is further submitted that even considering the fact that the petitioner had absconded for 1150 days, at the most Category 6(a) would apply. For the sake of convenience, Categories 1(e), 5(a) and 6(a) of the 1992 Guidelines are set out herein below :-

"GUIDELINES FOR PREMATURE RELEASE OF PRISONERS SENTENCED TO LIFE IMPRISONMENT OR TO DEATH PENALTY COMMUTED TO LIFE IMPRISONMENT AFTER 18TH DECEMBER 1978.

Category No.	Sub category	CATEGORISATION OF CRIMES	PERIOD OF IMPRISONMENT TO BE UNDERGONE INCLUDING REMISSION SUBJECT TO A MINIMUM OF 14 YEARS OF ACTUAL IMPRISONMENT INCLUDING SET OFF PERIOD
1		.....	
	a)	.....	.....
	b)	.....	.....
	c)	.....	.....
	d)	.....	.....
	e)	Where the crime is committed with exceptional violence or with perversity.	28 Years
2		.....	
	a)	.....	.....
	b)	.....	.....
3		.....	
	a)	.....	.....
	b)	.....	.....
	c)	.....	.....
	d)	.....	.....
4		.....	
	a)	.....	.....
	b)	.....	.....
	c)	.....	.....
5		.....	
	a)	Murders committed by dacoits and robbers in the act of committing dacoities and robberies.	26 Years
	b)	.....	.....
6		.....	
	a)	Prisoners who have escaped from lawful custody while undergoing imprisonment or who has absconded while on parole or furlough.	28 Years
7		.....	
	a)	.....	
8		.....	
	a)	.....	....."

12. However, it is required to note that these categories are prescribed by the State Government under Section 433 A of the CrPC, which reads as under :-

"433A. Restriction on powers of remission or commutation in certain cases.-- Notwithstanding anything contained in section 432, where a sentence of imprisonment for life is imposed on conviction of a person for an offence for which death is one of the punishments provided by law, or where a sentence of death imposed on a person has been commuted under section 433 into one of imprisonment for life, such person shall not be released from prison unless he had served at least fourteen years of imprisonment."

13. It is contemplated under Section 433A of the CrPC that where a sentence of imprisonment for life is imposed on a convicted person for an offence for which death is one of the punishments provided by law, such person shall not be released from imprisonment unless he has served at least 14 years of actual imprisonment.

14. The Guidelines dated 11th May 1992 regarding premature release after completion of 14 years categorize various offences. However, it is required to be noted that the said categories are not exhaustive. In this regard, Clause (2) and Clause (3) of the said Guidelines are relevant. The said clauses indicate that the categories prescribed therein provide only a broad classification of the pattern of crimes for the purpose of premature release of prisoners sentenced to imprisonment for life and do not cover all categories of prisoners convicted for various offences. The criteria laid down in the said Guidelines refer to normal cases, i.e., cases of prisoners having normal

features and good conduct in prison.

15. In the present case, admittedly the petitioner had absconded for a period of 1150 days. Apart from that, the manner in which the offence was committed has already been noted hereinabove.

16. Thus, taking into consideration the overall aspects of the matter, the order passed by the State Government directing that the petitioner shall be released after completion of 30 years of imprisonment including remission does not warrant any interference. However, insofar as the further direction of the State Government that the petitioner shall undergo 10 years of imprisonment under Section 376(2)(g) of the IPC, purportedly in view of the directions issued by the Supreme Court, is concerned, it is required to be noted that the Supreme Court has specifically considered this aspect in the case of ***Muthuramalingam*** (supra) *inter alia* with respect to the decision of the Supreme Court concerning Petitioner. Paragraph Nos.8, 9, 30 and 31 of the said decision in the case of ***Muthuramalingam*** (supra) are relevant, which read thus:

"(8) To the same effect is the decision of a two-Judge Bench of this Court in Duryodhan Rout case [*Duryodhan Rout v. State of Orissa*, (2015) 2 SCC 783 : (2015) 2 SCC (Cri) 306] in which this Court took the view that since life imprisonment means imprisonment of full span of life there was no question of awarding consecutive sentences in case of conviction for several offences at one trial. Relying upon the proviso to sub-section (2) of Section 31, this Court held that where a person is convicted for several offences including one for which life sentences can be awarded the proviso to Section 31(2) shall forbid running of such sentences consecutively.

(9) ***It would appear from the above two pronouncements that the logic behind life sentences not running consecutively lies in the fact that imprisonment for life implies imprisonment till the end of the normal life of the convict.*** If that proposition is sound, the logic underlying the ratio of the decisions of this Court in *O.M. Cherian* [*O.M. Cherian v. State of Kerala*, (2015) 2 SCC 501 : (2015) 2 SCC (Cri) 123] and *Duryodhan Rout* [*Duryodhan Rout v. State of Orissa*, (2015) 2 SCC 783 : (2015) 2 SCC (Cri) 306] cases would also be equally sound. ***What then needs to be examined is whether imprisonment for life does indeed imply imprisonment till the end of the normal life of the convict as observed in O.M. Cherian*** [*O.M. Cherian v. State of Kerala*, (2015) 2 SCC 501 : (2015) 2 SCC (Cri) 123] and *Duryodhan Rout* [*Duryodhan Rout v. State of Orissa*, (2015) 2 SCC 783 : (2015) 2 SCC (Cri) 306] cases. That question, in our considered opinion, is no longer *res integra*, the same having been examined and answered in the affirmative by a long line of decisions handed down by this Court. We may gainfully refer to some of those decisions at this stage.

(30) ***We are not unmindful of the fact that this Court has in several other cases directed sentences of imprisonment for life to run consecutively having regard to the gruesome and brutal nature of the offence committed by the prisoner.*** For instance, this Court has in *Ravindra Trimbak Chouthmal v. State of Maharashtra* [*Ravindra Trimbak Chouthmal v. State of Maharashtra*, (1996) 4 SCC 148 : 1996 SCC (Cri) 608] , while commuting death sentence penalty to one of imprisonment for life directed that the sentence of seven years' rigorous imprisonment under Section 207 IPC shall start running after life imprisonment has run its due course. ***So also in Ronny v. State of Maharashtra*** [*Ronny v. State of Maharashtra*, (1998) 3 SCC 625 : 1998 SCC (Cri) 859] ***this Court has while altering the death sentence to that of imprisonment for life directed that while the sentence for all other offences shall run concurrently, the sentence under Section 376(2)(g) IPC shall run consecutively after running of sentences for other offences. To the extent these decisions may be understood to hold that life sentence can also run consecutively do not lay down the correct law and shall stand overruled.***

(31) *In conclusion our answer to the question is in the negative. We hold that while multiple sentences for imprisonment for life can be awarded for multiple murders or other offences punishable with imprisonment for life, the life sentences so awarded cannot be directed to run consecutively. Such sentences would, however, be superimposed over each other so that any remission or commutation granted by the competent authority in one does not ipso facto result in remission of the sentence awarded to the prisoner for the other."*

(Emphasis added)

17. The decision of the Supreme Court in the case of ***Duryodhan Rout v. State of Orissa***, reported in (2015) 2 SCC 783, which has been

referred to in paragraph 8 of the judgment in ***Muthuramalingam*** (supra), is also relevant. In particular, paragraphs 19, 26 and 28 of the said judgment read thus:

"19. Imprisonment for life is not confined to 14 years of imprisonment. A reading of Section 55 IPC and Sections 433 and 433-A CrPC would indicate that only the appropriate Government can commute the sentence of imprisonment for life for a term not exceeding fourteen years or accedes to the release of such person unless he has served at least fourteen years' of imprisonment."

"26. This Court reiterated that life imprisonment was not equivalent to imprisonment for 14 years or 20 years in Mohd. Munna v. Union of India [(2005) 7 SCC 417 : 2005 SCC (Cri) 1688] . The Court held that life imprisonment means imprisonment for whole of the remaining period of the convicted person's natural life. There is no provision either in the Penal Code or in the Criminal Procedure Code, whereby life imprisonment could be treated as either 14 years or 20 years without there being a formal remission by the appropriate Government."

"28. From the aforesaid decisions rendered by this Court, it is clear that a sentence of imprisonment for life means a sentence for the entire life of the prisoner unless the appropriate Government chooses to exercise its discretion to remit either the whole or a part of the sentence under the provisions of the Criminal Procedure Code."

(Emphasis added)

18. Thus, what has been held by the Supreme Court is that imprisonment for life is not confined to 14 years of imprisonment. A reading of Section 55 of the IPC and Sections 433 and 433A of the CrPC indicates that only the appropriate Government has the power to commute a sentence of imprisonment for life to a term not exceeding 14 years or to grant remission. However, a person sentenced to imprisonment for life cannot be released unless he has served at least 14 years of actual imprisonment as contemplated under Section 433A

of the CrPC. It has been further held that life imprisonment is not equivalent to imprisonment for 14 years or any other fixed term. The expression "imprisonment for life" means imprisonment for the whole of the remaining natural life of the convicted person. There is no provision either in the Indian Penal Code or in the Code of Criminal Procedure whereby a sentence of life imprisonment can automatically be treated as imprisonment for 14 years or 20 years without formal remission granted by the appropriate Government.

19. Thus, a sentence of imprisonment for life means imprisonment for the entire natural life of the prisoner unless the appropriate Government chooses to exercise its power to remit or commute the sentence under the provisions of the CrPC, however, subject to restriction imposed by Section 433A of CrPC.

20. In view thereof, it has been specifically held, that while multiple sentences of imprisonment for life can be imposed in cases involving multiple murders or offences punishable with life imprisonment, such life sentences cannot be directed to run consecutively. Such sentences would operate simultaneously or be superimposed over each other so that remission or commutation granted in one sentence does not *ipso facto* result in remission of the other sentences awarded to the prisoner.

21. In view of these observations, the Constitution Bench of the Supreme Court in ***Muthuramalingam*** (supra) specifically considered the judgment in ***Ronny v. State of Maharashtra***, reported in (1998) 3 SCC 625 i.e. the decision in the case of the Petitioner. In the said judgment, while setting aside the death sentence and while awarding imprisonment for life, it was directed that although the sentences for the other offences shall run concurrently, the sentence under Section 376(2)(g) of the IPC shall run consecutively after completion of the sentences for the other offences. The Constitution Bench in ***Muthuramalingam*** (supra) held that to the extent the said judgment in ***Ronny*** (supra) can be understood to mean that life sentences can run consecutively, it does not lay down the correct law and stands overruled to that extent.

22. Thus, it is clear that the Constitution Bench of the Supreme Court has specifically overruled that part of the judgment in the case of the petitioner by which it has been in effect directed that sentence under Section 376(2)(g) of IPC shall run consecutively after completion of life imprisonment. Therefore, although the order of the State Government directing that the petitioner shall be released after completion of 30 years of imprisonment including remission does not warrant interference, the further direction that the petitioner shall undergo 10

years of imprisonment under Section 376(2)(g) of the IPC cannot be sustained in law, as the same is based on the directions contained in the earlier judgment of the Supreme Court in the Petitioner's case which stand overruled by the subsequent Constitution Bench judgment in ***Muthuramalingam*** (supra). The said crucial aspect is not taken into consideration by the State Government while taking decision of granting remission.

23. Thus, the writ petition is partly allowed.

(i) Although the challenge to the order dated 19th September 2005, insofar as it directs that the petitioner shall be released after completion of 30 years of imprisonment including remission, the same is maintained, however, the further direction that the petitioner shall undergo 10 years of imprisonment under Section 376(2)(g) of the Indian Penal Code is quashed and set aside.

(ii) The impugned Order dated 19th September 2025 stands confirmed, however modified to the above extent.

24. Accordingly, the Writ Petition stands disposed of in the above terms.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]