

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.40 OF 2026

Pravin S/o Dhondiba Chorge

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

.....

*Mr. Rupesh Jaiswal (through V.C.) a/w Adv. Amit Waykool, Advocate for
Petitioner.*

Mr. A. A. Naik, APP for the Respondent-State.

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CORAM : MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.

DATE : 13th MARCH, 2026.

PC:

1. Heard Mr. Rupesh Jaiswal, learned counsel appearing for the petitioner and Mr. A. A. Naik, learned APP appearing for the respondent-State.
2. By the present writ petition, the challenge is to the oral direction by the respondents directing that the petitioner shall undergo imprisonment for the offence under Sections 147 and 148 of the Indian Penal Code (for short 'IPC') after completion of life imprisonment under Section 302 of IPC.
3. It is the submission of Mr. Naik, learned APP for the respondent-State, that the impugned direction is passed on the basis of the

judgment dated 11th November 2010, passed by the learned District Judge -1 & Additional Sessions Judge, Pune, in Sessions Case No. 234 of 2008.

4. It is also significant to note that the petitioner and the co-accused challenged the said judgment of the Sessions Court, as confirmed by the High Court before the Supreme Court of India. Though the Supreme Court has specifically recorded that it was not inclined to interfere with the impugned judgment, the contention raised by the petitioner that the conviction and sentence will have to be understood in the sense that all the sentences are to run concurrently was kept open for consideration by the High Court.

5. Mr. Jaiswal, learned counsel appearing for the petitioner, has relied on judgment of Division Bench of this Court (Bench at Aurangabad) dated 19th December 2025, in Criminal Writ Petition No.1627 of 2025.

6. Perusal of the record shows that, *inter alia*, the petitioner and the co-accused were convicted for the offence punishable under Sections 147 and 148 of the IPC and were directed to undergo imprisonment for one year and two years respectively. The learned Sessions Court further directed that the substantive sentences under Section 147 and 148 of IPC shall run concurrently. The petitioner and the co-accused were also convicted for the offence under Section 302 read with Section 149 of

the IPC and sentenced to undergo imprisonment for life and to pay fine of Rs.1000/ each and, in default, to undergo rigorous imprisonment for six months.

7. A similar order passed by the Jail Authorities with respect to co-accused – Ajit Krishna Ghanekar was challenged before the Bench at Aurangabad of this Court. By the decision dated 19th December 2025, in the case of co-accused Ajit Krishna Ghanekar, allowed the said writ petition. The paragraph Nos.9, 10 and 11 of the said judgment read as under :-

“9. In the Instant case, it appears that the petitioner has undergone the sentence of life imprisonment and even the State Government passed an order under Section 432 of Cr.PC. on 14.05.2024 placing him again in the category of 4E of 2010 Guidelines and restricted his imprisonment upto 26 years, including the remissions. While passing such order, all the sentences Imposed by the concerned Sessions Court have been considered for placing him in the category of 4E of 2010 Guidelines. Even the opinion of concerned Sessions Judge was considered before passing this order. Further, as per own record of respondent No.2, which is placed on record by the learned APJ, it is clearly evident that the petitioner/convict has already undergone sentence of imprisonment alongwith all remissions for the period of 26 years, 1 month and 13 days. Therefore, when the respondent No.2 himself has opined that the petitioner has undergone the entire sentence as per the order passed by Government dated 14.05.2024 under Section 432 of Cr.PC., the petitioner is entitled for his release forthwith.

*10. Needless to say, as per the observation of the Hon'ble Apex Court in the case of **Muthuramlingam** (supra), the respondents cannot insist the petitioner to undergo sentence of two years awarded to him by the learned Sessions Judge in the aforesaid sessions case for the offences punishable under Sections 147 and 148 of I.P.C. after having undergone the sentence of life imprisonment.*

11. In view of the above discussion, the present criminal writ petition is allowed and the respondents, are directed to release the petitioner/convict Ajit Krishna Ghanekar

(C-4883) forthwith, if not required in any other case, since he has already undergone the sentence awarded to him in Sessions Case No.234/2008.”

8. In this particular case, the petitioner has completed total imprisonment including remission of 25 years 11 months and 8 days. Thus, in the facts and circumstances and in view of the order dated 19th December 2025, the petitioner is directed to be released after completion of 26 years of imprisonment, including remission.
9. Accordingly the writ Petition is allowed in above terms.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]