

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 5900 OF 2025**

Munya @ Munir Gaus Shaikh,

Age 33 years, Occu.- Labour,

R/at 611, Kasewadi, Bhavani Peth,

Pune, Maharashtra

(At present is in Yerwada Central Prison)

.....Petitioner

Vs.

1) The State Of Maharashtra

(Through Superintendent of Jail,
Yerwada Jail, Pune)

2) The Secretary,

Home Department (Prison),
Govt. of Maharashtra, Mumbai.

3) Superintendent of Yerwada Jail,

Pune, Maharashtra

.....Respondents

Mr. Shailesh Kharat a/w Adv. Vishwajeet Nimbalkar and Adv. Onkar Chaudhari for the Petitioner.

Mr. Vinod Chate APP for the Respondent-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 4th MARCH, 2026.

JUDGMENT (Per A.S. Gadkari, J.):

1) Rule. Rule made returnable forthwith. By consent of parties,

the Petition is taken up for final hearing.

2) Petitioner, (Original A-8) was convicted under Sections 147, 148, 302 and 307 read with Section 149 of the Indian Penal Code and is sentenced to suffer life imprisonment by the learned Additional Sessions Judge, Pune, by Judgment and Order dated 20th April, 2012 in Sessions Case No.231 of 2009.

3) The Criminal Appeals preferred by the Petitioner and other accused were dismissed by a common Judgment dated 6th, 7th & 8th April, 2015 by our predecessors.

4) According to the submission of the learned Advocate for the Petitioner, the Hon'ble the Supreme Court has not interfered with the said Judgment dated 6th, 7th & 8th April, 2015 passed in the Petitioner's Appeal.

5) In the aforesaid factual background, the Petitioner has challenged the Order dated 13th June, 2025, whereby he has been placed in category 4(d) of the Guidelines dated 15th March, 2010 issued by the Home Department, Government of Maharashtra, under Section 432 of the Cr.P.C.

6) Heard Mr. Kharat, learned Advocate for the Petitioner and Mr. Chate, learned APP for the State. The entire record has been perused.

7) Mr. Kharat, submitted that, the genesis of the crime lies in a feud between two families and that incident arose out of an assault by the Petitioner and other co-accused on deceased Akram. According to him,

since the offence was committed in the backdrop of a family feud, Category No.3 (b) of the Guidelines dated 15th March, 2010 would be applicable to the Petitioner and not Category 4(d). He submits that under category 4(d), the Petitioner would be required to undergo imprisonment of 24 years including remissions, whereas under Category 3(b), the Petitioner will have to undergo 22 years of imprisonment including remissions.

8) Category 3(b) and 4(d) of 15th March, 2010, guidelines read as under:-

Category No.	Sub-Category	Categorisation of Crime	Period of imprisonment to be undergone including remissions subject to a minimum of 14 years of Actual Imprisonment including Set-Off period.
3.		<u>Murder arising out of Land dispute, family feuds, family prestige and superstition.</u>	
	<i>a.</i>		
	<i>b.</i>	Crime committed as above with premeditation, either individually or by a gang.	22 years
4.		<u>Murder for other reasons</u>	
	<i>a.</i>		
	<i>b.</i>		
	<i>c.</i>		
	<i>d.</i>	Murders committed by more than one person or group of persons	24 years

9) A perusal of the judgments of the Trial Court as well as the

Appeal Court clearly indicates that due to prior enmity arising from earlier incidents between the family members of the deceased Akram and the Petitioner along with the co-accused, the Petitioner and the co-accused assaulted the deceased Akram with a blunt object on 16th December, 2008 at about 10.15 p.m. and also caused injuries to another victim PW-1. The judgments further indicate that the murder of Akram was committed by the Petitioner along with the co-accused for reasons other than those arising out of a family feud or family prestige.

10) In view of the above, we are of the considered opinion that the competent Authority of the Home Department, Government of Maharashtra has not committed any error in placing the Petitioner under Category 4(d) of the Guidelines 15th March, 2010 by the impugned Order dated 13th June, 2025. No error either in law or on facts has been committed by the competent Authority while passing the impugned Order.

11) We find that, there are no merits in the Petition and is accordingly dismissed.

11.1) Rule is discharged.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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MASHALKAR
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