

CRIMINAL WRIT PETITION NO. 329 OF 2026

Sameer S/o. Sitaram More & Ors.	}	Petitioners
Versus		
State of Maharashtra & Anr.	}	Respondents

Mr. Rupesh A. Jaiswal, Advocate for the Petitioners.

Mr. K. V. Saste, APP for Respondent Nos. 1 & 2.

**CORAM: SHREE CHANDRASHEKHAR, C.J. &
GAUTAM A. ANKHAD, J.**

DATE: 25th FEBRUARY 2026

P.C.:

This writ petition has been filed by the convicts who suffered sentence of life imprisonment under section 302 read with section 149 of the Indian Penal Code, 1860 (in short, IPC). They have also been sentenced to rigorous imprisonment for one year under section 147 of IPC and rigorous imprisonment of two years under section 148 of IPC.

2. The petitioners have produced the certificates of imprisonment which record that Sameer Sitaram More has remained in custody for 16 years and 1 day as on 14th January 2026. He earned remission of 9 years, 11 months and 5 days as on 31st December 2025. As per the certificate of imprisonment dated 14th January 2026, Sameer Sitaram More has undergone 25 years, 11 months and 6 days of imprisonment with remission. Nilesh Deepak Hiwale has remained in custody for 16 years, 1 month and 2 days as on 14th January 2026. He earned remission of 9 years, 2 months and 1 day as on 31st December 2025. As per the certificate of imprisonment dated 14th January 2026, Nilesh Deepak Hiwale

has undergone 25 years, 3 months and 3 days of imprisonment with remission. Ganesh Suresh Mane has remained in custody for 16 years, 1 month and 22 days as on 14th January 2026. He earned remission of 9 years, 10 months and 10 days as on 31st December 2025. As per the certificate of imprisonment dated 14th January 2026, Ganesh Suresh Mane has undergone 26 years and 2 days of imprisonment with remission.

3. The grievance of the petitioners is that they are not released even on completing the requisite period of imprisonment under Government Resolution No. RLP No. 1006/CR621/PRS-3 dated 15th March 2010 providing guidelines for premature release. According to the learned counsel for the petitioner, the petitioners who have completed 26 years of imprisonment are still behind the bar for the reason that there is no order by the Sessions Court in respect of the sentences under sections 147 and 148 of the IPC awarded to them to the effect that such sentences shall run concurrently with the sentence awarded to them under section 302 read with section 149 of the IPC.

4. This is not in dispute that Sameer Sitaram More and Ganesh Suresh Mane are still serving the sentence and they have now completed imprisonment of 26 years. If this is the reason that these petitioners are required to serve the sentences awarded to them under sections 147 and 148 of IPC consecutively, we may clarify the position in law that wherever a convict is awarded punishment of life imprisonment and he is also punished for some allied offences, such sentences shall be included under the sentence of life imprisonment if not specifically so directed. The reason is that the sentence of life imprisonment shall mean sentence for the remainder period of life [read: "*Gopal Vinayak Godse v. State of*

Maharashtra & Ors.” (1961) 3 SCR 440]. So, wherever there is no order of the Court that the convict shall serve the sentences consecutively, the sentences awarded to the convict for the minor offences shall be deemed to run concurrently.

5. The learned counsel for the petitioner has relied upon a decision of this Court at Aurangabad Bench in Criminal Writ Petition No. 1627 of 2025, titled “*Ajit Krishna Ghanekar v. The State of Maharashtra*” where a coordinate Bench of this Court referred to the decision in “*Muthuramlingam & Ors. v. State*” 2016 AIR (SC) 3340 and held as under:-

“7. Admittedly, the learned Sessions Judge, in the judgment of Sessions Case No. 234/2008, has stated about running of sentences of imprisonment awarded for the offences punishable under Sections 147 and 148 of I.P.C. concurrently, but did not specify as to whether the life imprisonment to run concurrently or consecutively with the aforesaid sentence. The learned counsel for the petitioner heavily relied on the observation of the Hon’ble Apex Court in the case of Muthuramlingam (supra), as below.

“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, (1996) 4 SCC 148, 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 (1998) 3 SCC 625 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) 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”.

Further, the Full Bench of the Hon’ble Apex Court in the same case has also made the following observation :

“32. We may, while parting, deal with yet another dimension of

this case argued before us namely whether the Court can direct life sentence and term sentences to run consecutively. That aspect was argued keeping in view the fact that the appellants have been sentenced to imprisonment for different terms apart from being awarded imprisonment for life. The Trial Court's direction affirmed by the High Court is that the said term sentences shall run consecutively. It was contended on behalf of the appellants that even this part of the direction is not legally sound, for once the prisoner is sentenced to undergo imprisonment for life, the term sentence awarded to him must run concurrently. We do not, however, think so. The power of the Court to direct the order in which sentences will run is unquestionable in view of the language employed in Section 31 of the Cr.P.C. The Court can, therefore, legitimately direct that the prisoner shall first undergo the term sentence before the commencement of his life sentence. Such a direction shall be perfectly legitimate and in tune with Section 31. The converse however may not be true for if the Court directs the life sentence to start first it would necessarily imply that the term sentence would run concurrently. That is because once the prisoner spends his life in jail, there is no question of his undergoing any further sentence. Whether or not the direction of the Court below calls for any modification or alteration is a matter with which we are not concerned. The Regular Bench hearing the appeals would be free to deal with that aspect of the matter having regard to what we have said in the foregoing paragraphs”.

6. We are, therefore, inclined to issue a direction to the Superintendent, Yerwada Open District Prison, Class-I, Yerwada, Pune to release the petitioners, namely, Sameer Sitaram More and Ganesh Suresh Mane forthwith, if they are not wanted in connection to any other criminal case, on production of a certified copy of this order. The petitioner Nilesh Deepak Hiwale shall also be released on completing imprisonment of 26 years with remission, if he is not wanted in connection to any other criminal case, on production of a certified copy of this order.
7. Writ Petition No. 329 of 2026 is disposed of.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]