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

WRIT PETITION NO.711 OF 2026

Shivshankar Vishwanath Tiwari

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Ms. Ankita Naik for Petitioner.

Ms. Supriya Kak, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL &
ASHISH S. CHAVAN, JJ.**

DATE : 15 JUNE 2026

PC :

1. This is a Petition for release of the Petitioner from Jail. According to the Petitioner, he has completed the sentence with the permissible remission and other benefits. The Petitioner had made an Application before the authorities which was rejected by order dated 22nd September, 2025, issued by the Home Department, Government of Maharashtra.

2. Heard learned Advocate for the Petitioner as well as the learned APP

3. Learned Advocate for the Petitioner submitted that the the Petitioner falls within the category of “Murder committed by more than one person / group of persons”, which is referred to in category 4(d) of Annexure-I annexed to the Government Resolution No.RLP/C.R.621/PRS-3, which are the guidelines for premature release under the “14 Year Rule” of prisoners serving life sentence.

4. Learned APP has filed an Affidavit-in-Reply affirmed by the Superintendent of Thane Central Prison.

5. The Petitioner was convicted vide the Judgment dated 25th September, 2019, passed by the District Judge-2 & Addl. Sessions Judge, Kalyan, in Sessions Case No.60 of 2012, for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860. The Petitioner was sentenced to suffer imprisonment for life with a fine of Rs.5000/-, and in default to suffer rigorous imprisonment for three months. The Affidavit-in-Reply mentions that the Petitioner is undergoing sentence at Thane Open Prison, and total period of imprisonment undergone by him

as on 31st January, 2026, is 20 years, 2 months and 23 days including all remissions.

6. We have perused the Judgment of the Trial Court. The case of the prosecution is that the Petitioner was having extra-marital illicit relations with wife of the deceased. On 27th November, 2011, he along with wife of the deceased had poured kerosene on the deceased and set him on fire, resulting in the death of the deceased on 28th November, 2011. At the conclusion of the trial, the Petitioner was convicted and sentenced as mentioned earlier.

7. The impugned order passed by the Home Department, Government of Maharashtra, refusing to release the Petitioner at that stage refers to the observations of the Trial Court mentioning how serious the offence was. While passing the impugned order, the observations of the Trial Court; the nature of the offence; the observations of advisory board, police officers and the District Magistrate; were taken into consideration. It is observed in the impugned order that the Petitioner's case falls within the category

of 4(e) of the Annexure-I annexed to the said guidelines, which refers to “Murder committed with exceptional violence / brutality / kidnapping”, for which the period of imprisonment including remission is mentioned as 26 years.

8. In these circumstances, the Petitioner has not completed 26 years of actual imprisonment, including remissions. Therefore, the Petitioner’s prayer for his release has been rightly rejected by the authorities. No relief can be granted in this Petition. The Petition is accordingly dismissed.

(ASHISH S. CHAVAN, J.)

(SARANG V. KOTWAL, J.)