



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL WRIT PETITION NO.879/2025

Zuber alias Tabrej alias Jugnu Kasam Shaikh (In Jail) .Vs. State of Maharashtra
 and another

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. N. N. Gawankar with Ms S. Khobragade and A. Wani, Advocates
 for petitioner.

Mr. A. M. Badar, A.P.P. for respondent Nos. 1 and 2.

CORAM : ANIL L. PANSARE AND NIVEDITA P. MEHTA, JJ.

DATE : FEBRUARY 4, 2026.

On 06.01.2026, following order was passed.

“Heard.

2. Learned counsel for the petitioner submits that the petitioner has been convicted in the year 2000 for the offence punishable under the provisions of Indian Penal Code and Maharashtra Control of Organised Crime Act. He further submits that the respondents have processed the petitioner’s case of remission in terms of Government Resolution (G.R.) dated 15.03.2010. He has invited our attention to the first paragraph of the G.R. which states that the guidelines issued thereunder will be applicable to the prisoners who are convicted on or after the date of issuance of the G.R. Accordingly, he submits and in our view rightly so, that these guidelines will be not applicable to the petitioner’s case, he having been convicted prior to coming into force aforesaid resolution.

3. Leave to add Additional Secretary, Home Department, Mumbai who has passed impugned order, is granted. Amendment shall be carried out forthwith.

4. Issue notice to the newly added respondent,

5. Learned Additional Public Prosecutor waives service on behalf of the respondent no.3.

6. We call upon respondent no.3 to explain as to how the case of petitioner processed in terms of G.R. dated 15.03.2010 and not in terms of G.R. dated 11.05.1992.

7. List the matter on 21.01.2026.”

2. In response, learned A.P.P. fairly submits that case of the petitioner will not be governed by Government Resolution dated 15.03.2010, he having been convicted vide order passed in the year 2000. Thus, it is apparent that the petitioner's case will be governed by Government Resolution dated 11.05.1992.

3. In that view of the matter, the writ petition is partly allowed. Respondent No.3, is directed to process the case of the petitioner in terms of Government Resolution dated 11.05.1992, particularly Category 5(b) thereof. Respondent No.3 shall pass such an order within a period of four weeks from today.

4. The writ petition is disposed of in the above terms.

(JUDGE)

(JUDGE)

Kahale