



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO.1038 OF 2025

Petitioner : Roshan @ Bhurya Kishor Shahakar,
Convict No.C/890, Aged 53 years,
Occ. Nil, Confined at Morshi Open Prison.
– Versus –

Respondents : 1. State of Maharashtra,
Through Secretary, Home Department,
Mantralaya, Mumbai.
2. The Superintendent,
Open Prison, Morshi.

Mrs. Shweta Wankhede-Chavhan, Advocate for the Petitioner.
Mr. S.S. Doifode, A.P.P. for the Respondents.

CORAM : **ANIL L. PANSARE & NIVEDITA P MEHTA, JJ.**
DATE : **14th JANUARY, 2026.**

ORAL JUDGMENT :

01. The learned A.P.P. submits that reply is ready and will be filed during the course of day.

02. Issue Rule returnable forthwith. The learned A.P.P. waives service of Rule on behalf of the respondents. With consent of the learned Counsel for the parties, the petition is taken up for final hearing. the learned Advocates for the parties.

03. The petitioner has approached this Court, being aggrieved by

the order dated 16/01/2025 passed by respondent No.1, thereby categorizing him under category 4(d) of the Government Resolution dated 15/03/2010, which prescribes revised guidelines for the premature release of prisoners undergoing sentence including life imprisonment.

04. In an identical matter, where the co-accused approached this Court in Writ Petition No.806/2025, we have held that the case falls under category 3(b) of the said resolution and, accordingly, directed respondent No.1 to categorize the co-accused in category 3(b) of the Government Resolution, dated 15/03/2010, and to extend necessary benefits. The same course will have to be followed in the present case.

05. Accordingly, and for the reasons stated in the order dated 24/11/2025 passed in the case of Rama Kishore Sahakar vs. State of Maharashtra and another in Writ Petition No.806/2025, the present petition is allowed. The order dated 16/01/2025 (Annexure-3) passed by respondent No.1 is quashed and set aside. Respondent No.1 shall categorize the petitioner in category 3(b) of the Government Resolution, dated 15/03/2010 and extend necessary benefits.

06. Rule is made absolute in terms of above.

(Nivedita P. Mehta, J.)

(Anil L. Pansare, J.)