



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

CRIMINAL WRIT PETITION NO.15/2026

1. Chaitu Irpa Vadda
Convict No. C/6556,
aged 63 years, Occ. Nil,
R/o Irapnar, Tq. Bhamragad,
Dist. Gadchiroli.
2. Doge Korke Vadde,
Convict No.C/6557,
Aged 70 years, Occ. Nil,
r/o Bhamragadh, Darbha,
Bhamragadh, Dist. Gadchiroli.

.....PETITIONERS

...V E R S U S...

1. State of Maharashtra, through
the Secretary, Home Department,
Mantralaya, Mumbai – 32.
2. The Superintendent,
Central Prison, Nagpur.

...RESPONDENTS

Ms Shweta Wankhede-Chavhan, Advocate for petitioners.
Mrs. N. Tripathi, A.P.P. for respondents.

CORAM:- ANIL L. PANSARE AND NIVEDITA P. MEHTA, JJ.
DATED :- 23.03.2026.

ORAL JUDGMENT (Per: Anil L. Pansare, J.)

Heard. Issue Rule returnable forthwith. Learned counsel for the respondents waive service of Rule. With consent of the learned counsel for the parties, the petition is taken up for final hearing.

2. The petitioner is seeking premature release in terms of Government Resolution dated 15.03.2010, which provides for revised guidelines for premature release of the prisoners undergoing different sentences. The resolution refers to the powers vested with the State

Government under Section 432 of the Criminal Procedure Code, 1973 (“Code”).

3. Respondent No.1, while declining to extend benefit under Sections 432 and 433 of the Code, referred to the order dated 23.07.2015, passed by the Supreme Court in Writ Petition (Criminal) No. 48/2014.

4. We had accordingly directed the petitioner to place on record copy of the order passed by the Supreme Court. The same is placed on record. We have gone through the same. Relevant part of the order reads thus:

“4. Accordingly, we modify our order dated 09.07.2014, whereby we had restrained the State Governments from exercising power of remission or commutation to life convicts. The said order dated 09.07.2014 shall only apply to cases :

1) where life sentence has been awarded specifying that -

(a) the convict shall undergo life sentence till the end of his life without remission or commutation;

(b) the convict shall not be released by granting remission or commutation till he completes a fixed term such as 20 years or 25 years or like.

ii) where no application for remission or commutation was preferred, or considered motu by the concerned Governments/authorities.

iii) where the investigation was conducted by any Central Investigating Agency like the Central Bureau of Investigation.

iv) where the life sentence is under any central law or under Section 376 of the Indian Penal Code, 1860 or any other similar offence.”

5. As could be seen, the Hon'ble Supreme Court had modified its previous order dated 09.07.2014 by which the State Governments were restrained from exercising powers of remission or commutation of life convicts. The restriction so imposed is not applicable to certain categories of convicts [category under Sr.No.(iv) is relevant]. Thus, the Supreme Court has now restrained the State Governments from exercising powers under Sections 432 and 433 of the Code where life sentence is of category mentioned in the order which includes life sentence, under any Central Law. The petitioner herein has been convicted for the offence punishable under Sections 3 and 4 of the Terrorists and Destructive Activities (Prevention) Act, 1987 and has been sentenced to suffer imprisonment for life.

6. That being so, we do not find any error in the order passed by respondent No.1. There is thus, no substance in the petition. The Writ Petition is dismissed.

Rule is discharged. No costs.

(Nivedita P. Mehta, J.)

(Anil L. Pansare, J.)

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