



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

CRIMINAL WRIT PETITION NO.153/2026

Virendra Dhanraj Yadav (In Jail) .Vs. State of Maharashtra and anr.

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

Court's or Judge's orders

Mr. M. N. Ali, Advocate for petitioner.
Mrs. N. Tripathi, A.P.P. for respondent Nos.1 and 2.

CORAM : ANIL L. PANSARE AND NIVEDITA P. MEHTA, JJ.
DATE : MARCH 23, 2026.

Heard.

2. Petitioner is seeking benefit of Government Resolution dated 03.06.2017 by which the Government took a decision to extend benefit of remission on account of 125th Birth Anniversary of Dr.Babasaheb Ambedkar.

3. The benefit of remission is based on the period of imprisonment viz. for punishment up to 3 months, remission of 7 days is proposed. Similarly, for the punishments above five years or upto life imprisonment, remission of three months is proposed. The policy is to be implemented on 14.04.2016.

4. Thus, those who were entitled on the said day ought to receive the benefit of remission.

5. The petitioner has been convicted for the offence punishable under Section 376G of the Indian Penal Code, 1860 vide judgment dated 01.11.2006, passed by the Sessions Court, Nagpur. He preferred appeal, which came to be dismissed on 07.01.2019. The petitioner was released on bail pending appeal. He was taken in custody post dismissal of the appeal. He is in jail.

6. Thus, for the purpose of policy of the State Government which was to be implemented, on 14.04.2016 the petitioner could be treated as convict. Respondent No.2 has not given benefit because the Sessions Court, which was pleased to convict the petitioner had

given an opinion that the petitioner is not entitled for remission because he does not fall in categories mentioned in the Government Resolution.

7. Counsel for the petitioner has invited our attention to Government Resolution, which indicates that the State Government has taken a decision to not extend benefit of remission to the convicts falling in six categories mentioned therein.

8. Counsel for petitioner is thus correct in arguing that convicts are not entitled for the benefits if conviction falls under the categories mentioned in Government Resolution and not to those who do not fall in these categories. Learned Sessions Court though observed that the petitioner is not falling in any of these categories, opined that the petitioner is not entitled for the benefits. The order appears to us to be apparently erroneous. The opinion runs contrary to the decision of the State Government. It is, therefore, unsustainable.

9. The opinion dated 26.04.2023 given by the Sessions Judge is, therefore, set aside. Respondent No.2 shall consider the case of the petitioner, in accordance with Government Resolution dated 03.06.2017- and extend benefit, if there is no other legal impediment. The decision shall be taken within four weeks from today.

10. The writ petition is disposed of. No costs.

(JUDGE)

(JUDGE)