



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

CRIMINAL WRIT PETITION NO. 217/2026

**Bablu @ Mahavir Asharfilal Yadav Vs. State of Maharashtra through
its Secretary of Home Department and another**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.Y. Sharma, Advocate for petitioner
Mrs. N.R. Tripathi, APP for Respondent No.1

**CORAM: URMILA JOSHI PHALKE AND
 NIVEDITA P. MEHTA, JJ.**

DATED : 15.04.2026

1. By this petition, the petitioner is seeking quashing and setting aside the impugned order dated 27.04.2018, passed by the respondent No.1 and also direction to the respondents to consider the case of the petitioner under the category of 3(b) of the guidelines stated dated 15.03.2010.

2. Heard learned counsel for the petitioner, who submitted that being aggrieved by the order dated 27.04.2018, passed by the respondent No.1, the Secretary, Home Department, Mantralaya, Mumbai, wrongly holding that the case of the petitioner for premature release under the category of 4(e) of the guidelines provided vide dated 15.03.2010. As per the said guidelines, the State Government remitted the portion of sentence of imprisonment of life, which is in excess of 26 years of total imprisonment, including remission subject to the completion of actual

imprisonment of 14 years and the condition of good behaviour. He further submits that after perusal of the judgment of the trial Court, it reveals that the petitioner would cover under 3(b), which deals with crime committed as above with premeditation, either individual or by a gang. He submits that the respondent No.1 has failed to consider the said judgment of the trial Court in the proper perspective on the ground that the learned trial Court noted that the present incident occurred due to the dispute over the agricultural land. In view of that the offence would come under the category of 3(b) and therefore, the order passed by the respondent No.1 deserves to be quashed and set aside and direction is required to be given to the authorities to consider the case of the petitioner under the category 3B of the guidelines dated 15.03.2010.

3. Per contra, learned APP strongly opposed the said contention and submitted that there was a previous enmity. Thereafter after a preparation the murder was committed by the group of a persons and, therefore, it would cover under 3(d) that impugned murder was committed by more than one person / group of persons. In view of that the appropriate order shall be passed.

4. After hearing both the sides and on perusal of the circulars issued along with the guidelines for premature release of prisoner's sentence to life imprisonment or death penalty committed to life imprisonment, it reveals that the Home Department has issued the circular dated 15.03.2010, wherein the reference of earlier Government Resolution is already there. In view of that resolution, the Government has

revised the guidelines for premature release of prisoners undergoing life sentence from time to time. These guidelines are applicable to the prisoners committed crimes mentioned in the earlier resolution. However, said guidelines does not cover grave offence such as life imprisonment under stringent laws like TADA, MCOCA, POTA, etc. In cases of life convicted covered under these guidelines, the process of review shall commence after completion of 12 years of actual imprisonment for review under “14 Year Rule” to which provision of Section 433-A of Code of Criminal Procedure are applicable.

5. The State Government reserved it's rights to remit ant sentence to release the prisoners only after undergoing imprisonment in excess for which there is no specific guidelines as mentioned in the annexures and accordingly offences are categorized. The category No.2 deals with the offences related to crimes against women and minor, whereas category No.3 relates to murder arising out of land dispute, family feuds, family presting and superstition. It is the submission of the learned counsel for the petitioner that as offence was allegedly committed by the accused persons due to the dispute between them over the land and, therefore, they would cover under the category 3(b). However, on perusal of the judgment, it reveals that the murder was committed by more than one person, i.e. group of persons, and, therefore, it would cover under the category 3(d). In view of that, this petition deserves to be allowed. Hence, we proceed to pass the following order.

ORDER

I. The impugned order dated 27.04.2018, categorizing the petitioner under 3(e) is quashed and set aside;

II. The respondents are directed to consider the case of the petitioner under the category of 3(d) as per the guidelines dated 15.03.2010.

With these directions, the petition is disposed off.

(NIVEDITA P. MEHTA,J.)

(URMILA JOSHI PHALKE, J.)