



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

CRIMINAL WRIT PETITION (WP) NO. 296 OF 2026

Shri Patiram Tularam Tarone

Versus

State of Maharashtra through its Secretary Home Department, Mantralaya,
Mumbai-400

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order
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Shri Raju Kadu, Advocate for the petitioner.

Shri A.B.Badar, APP for the respondent/State.

CORAM : URMILA JOSHI-PHALKE &
NIVEDITA P. MEHTA, JJ.

DATED : 5th MAY, 2026.

Heard.

2. The petitioner is seeking benefit of remission in terms of Government Resolution dated 15.03.2010.

3. We have gone through the aforesaid resolutions and guidelines for premature release in terms of Section 432 of the Criminal Procedure Code, 1973. The petitioner is convicted for the offence punishable 376(2)(f) of Indian Penal Code and sentenced to suffer imprisonment for life.

4. Learned Additional Public Prosecutor has invited our attention to the order passed by the Hon'ble Apex Court in Union of India Vs. V. Sriharan @ Murugan And Ors. [Writ Petition (Crl.) No. 48/2014 decided on 23/7/2015].

5. Learned counsel for the appellant has also placed reliance on judgment of this Court in Criminal Writ Petition Nos. 307 of 2020 and 629 of 2022 which are decided on 13.12.2021 and 22.12.2021 respectively. Admittedly, the judgment of Union of India Vs. V. Sriharan @ Murugan and others was not brought to the notice of this Court at the relevant time.

6. We have gone through the aforesaid order. It appears that on 9/7/2014, the Hon'ble Supreme Court had restrained the State Government from exercising their powers of remission and commutation of sentence under Sections

432 and 433 of the Code to life convicts. The order was modified by the Supreme Court on 23/7/2015. The modified portion reads as under :

“1 to 3

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 suo motu by the concerned State Government/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.”

7. As could be seen, the previous order, i.e., order dated 9/7/2014, has been modified, whereby the Supreme Court has restrained the State Government from exercising their powers of remission or commutation to life convicts, where, amongst others, the life sentence is under Section 376 of Indian Penal Code or any other similar offence.

8. In the present case, since the petitioner is convicted for the offence punishable under Section 376(2)(f) of Indian Penal Code, we do not find any illegality committed by respondent no.2 in rejecting the request for premature release in terms of Section 432 of the Code of Criminal Procedure.

9. Accordingly, the petition is dismissed

[JUDGE]

[JUDGE]