

ITEM NO.29

COURT NO.6

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 43187/2019

(Arising out of impugned final judgment and order dated 06-06-2019
in CRLWP No. 465/2017 passed by the High Court Of Judicature At
Bombay At Aurangabad)

KUNDLIK BHANUDAS GAVHAD

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

IA No. 187582/2019 - CONDONATION OF DELAY IN FILING
IA No. 187584/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 187585/2019 - EXEMPTION FROM FILING O.T.)

Date : 27-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. Anand Dilip Landge, AOR

For Respondent(s)

Mr. Aaditya A. Pande, Adv.
Mr. Sachin Patil, AOR

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Heard learned counsel for the parties.

Our attention was invited to Government Resolution/Circular
dated 15.03.2010 which has been relied upon by the High Court to
reject the claim of the petitioner. The said Government
Resolution/Circular itself provides that the guidelines specified

thereunder will be applicable to the prisoners who are convicted on or after the date of issue of the said Government Resolution. Admittedly, the petitioner has been convicted on 15.02.1992 and hence his case ought to be considered only in terms of Government Resolution/Circular dated 16.11.1978.

The State authorities are free to process the claim of the petitioner on the basis of Government Resolution/Circular dated 16.11.1978, including by taking into account his conduct during the relevant period.

Besides this clarification, nothing more is required to be stated. The Special Leave Petition is disposed of accordingly.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)