

MHJN010012042025



IN THE COURT OF ADDITIONAL SESSIONS JUDGE-2, JALNA  
CRIMINAL M.A.No.36 OF 2025

Yusuf Badshah Shaikh

... Applicant/accused

V/s.

The State of Maharashtra

...Respondent/Prosecution

**Appearance :**

Shri.Y.S.Kharat, the learned LADC for the applicant

**ORDER BELOW EXH.1**  
**(Delivered on : 20.04.2026)**

The application is received from Superintendent, Paithan Open Prison, Paithan, seeking opinion regarding extending benefit of remission on the occasion of 125<sup>th</sup> Birth Anniversary of Dr.Babasaheb Ambedkar to the convict applicant for 90 days.

02. The applicant was convicted in Sessions Case No.92 of 2013 by Judgment dated 21.07.2014. He was sentenced to suffer imprisonment for life and fine of Rs.2000/-, in default payment of fine to suffer rigorous imprisonment for six months for offence punishable under Section 302 of IPC. I have perused the copy of Judgment.

03. I have considered the principles enunciated by Hon'ble Apex Court in the case of **Sangit and another V/S State of Haryana,**

**Criminal Appeal No. 490- 491/2001.** I have also perused relevant guidelines and notification issued by the Government of Maharashtra from time to time.

04. As per Government of Maharashtra Home Department G. R. No. संकीर्ण ०९१६/प्र.क्र.२५०/१६/तुरुंग-३ dated 03/06/2017, Government of Maharashtra, on the occasion of 125<sup>th</sup> Birth Anniversary of Dr. Babashaeb Ambedkar granted remission to the prisoners by issuing Government Resolution dated 03/06/2017 as under :

Period of Imprisonment	Days of remissions
Upto 3 months	7 days
Between 3 months to 12 months	15 days
Between 1 year to 5 years	2 months
Above 5 years up to life imprisonment	3 months

05. I have perused the Judgment in Sessions Case No.92 of 2013. Accused was convicted for committing murder of his wife and he was sentenced to suffer imprisonment for life and to pay fine of Rs. 2000/-, and in default to suffer RI for six months for the offence punishable under section 302 of I. P. C.

06. Since accused was convicted for commission of offence U/s. 302 of I. P. C. the punishment provided for this offence is death penalty or life imprisonment. As per Section 433-A of Cr.P.C. notwithstanding with anything contained in Section 432 where a sentence of imprisonment for life is imposed on conviction of a person for an offence for which death is one of the punishment provided by

laws or where a sentence of death imposed on a person has been commuted U/s. 433 into one of Imprisonment for life, such person shall not be released from prison unless he had served at least 14 years of imprisonment. In view of restrictions put in Section 433-A, benefit of three months remission to accused **Yusuf Badsha Shaikh**, in terms of G. R. dated 03/06/2017 can only be extended subject to adherence to Section 433-A.

07. Hence, it is my final opinion is that, **benefit of 3 months remission to convict be given only after completion of at-least 14 years imprisonment by him.** With this, I pass the following order: -

**ORDER**

01. Application is allowed.
02. Benefit of 3 months remission to convict be given only after completion of at-least 14 years imprisonment by him.
03. Copy of this order be forwarded to Superintendent, Open Prison, Paithan.
04. Copy of this opinion be kept in original file.
05. Application stands disposed off accordingly.

**(Dictated and pronounced in open Court)**

Date: 20.04.2026

**(NAZERA S. SHAIKH)**  
Additional Sessions Judge-2  
Jalna.

**CERTIFICATE**

I affirm that the contents of this PDF file are word to word as per original.

Name of Stenographer : P.S.Tayade

Name of the Court : Court of Addl. Session Judge, Jalna

Date of PDF : 20.04.2026

Stenographer (Grade-I)