



364.2026WP(4)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 364 OF 2026

Devidas S/o Adinath Haleghongde (C-5706)

Age : 58 years, Occ : Convict,

At present confined in Open Jail

Paithan, Dist. Chhatrapati Sambhajnagar

... PETITIONER

VERSUS

1. State of Maharashtra,
Through Superintendent of Jail,
Open Jail Paithan,
Dist. Chhatrapati Sambhajnagar.

2. Secretary,
Home Department (Prison),
Mantralaya, Mumbai.

... RESPONDENTS

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Mr. Rupesh A. Jaiswal, Advocate for the Petitioner

Mr. N. B. Patil, APP for Respondent/s - State

...

**CORAM : SANDIPKUMAR C. MORE &
VAISHALI PATIL-JADHAV, JJ.**

RESERVED ON : 28th August, 2026

PRONOUNCED ON 9th September, 2026

JUDGMENT [Per Vaishali Patil-Jadhav, J.] :

. Rule. Rule made returnable forthwith. Heard finally with the consent of learned advocate for the petitioner and the learned APP.

2. By way of this criminal writ petition, the petitioner, who is the original convicted accused no. 1 in Sessions Case No. 118 of 2010, is seeking quashment of the order dated 02.02.2026 passed by Respondent No.2-State, whereby he is placed under Category 2(c) of the Guidelines issued under Government Resolution dated 15.03.2010 (hereinafter referred to as "Guidelines of 2010"), prescribing 26 years period of imprisonment (including remissions) to be undergone for considering the proposal for premature release. It is also prayed to direct Respondent No.2 to place him under Category 3(b) of the Guidelines of 2010, prescribing 22 years period of imprisonment (including remissions), and then, to direct Respondent No.1 to release the petitioner forthwith.

3. The petitioner was convicted by the learned Additional Sessions Judge-4, Nanded, in Sessions Case No.118 of 2010 on 11.05.2012 for the offences punishable under Sections 302, 307, 452 read with Section 34 of the Indian Penal Code and sentenced to suffer imprisonment for life. The petitioner had preferred an appeal against his conviction before this Court by filing Criminal Appeal No.403 of 2012, which came to be dismissed on

08.09.2015. The petitioner has undergone actual imprisonment of 14 years and 2 months, and 22 years, 6 months and 29 days inclusive of all remissions till 28.02.2026.

4. Learned advocate for the petitioner submits that the impugned order is passed erroneously. It is submitted that the petitioner ought to have been placed under category 3(b) of the Guidelines of 2010, and not under category 2(c), as the crime committed by the petitioner clearly arises out of a family feud/family dispute and does not involve “exceptional violence” as alleged by the respondents.

Learned advocate submits that the facts and evidence on record, more particularly the judgment of the learned Additional Sessions Judge-4, Nanded, in Sessions Case No. 118 of 2010, clearly establish that the incident was rooted in a long-standing family dispute. The crime was a direct outcome of a family feud, and hence the petitioner deserves to be categorized under Category 3(b).

Learned advocate in support of his arguments relied on the judgment in the case of ***State of Haryana and Ors. Vs. Jagdish, [2010 AIR (SC) 1690]*** and ***Vinod***

Bapurao Sontakke and another Vs. The State of Maharashtra and others in Criminal Writ Petition No.160 of 2024 dated 25.09.2024.

5. Per contra, learned APP supports the impugned order and submitted that the petitioner was convicted for the offence punishable under Sections 302, 307, 452 read with Section 34 for causing the death of Laxmibai by assaulting her with a 'katti' and iron pipe, along with co-accused. According to him, considering the nature of the offence and the manner in which it was committed, the State Government has rightly placed the petitioner under Category 2(c) of the Guidelines of 2010. Learned APP further submits that the brutal manner of assault on multiple victims, including the complainant, her daughter and her mother, clearly falls within the ambit of "exceptional violence."

6. Heard learned Advocate Mr. Rupesh Jaiswal for the petitioner and learned APP Mr. N. B. Patil for the respondent- State.

7. The only question before us is whether the petitioner should be placed under category 2(c) or category 3(b) of the Guidelines of 2010 ?

8. For ready reference, we have reproduced category 2(c) of the Guidelines of 2010, wherein the petitioner is placed by order dated 02.02.2026 as well as category 3(b), which the learned advocate for the petitioner has relied upon in support of the claim for premature release, which read thus :

Category 2(c) of the Guidelines of 2010 :-

Category No.	Sub category	Categorisation of Crimes	Period of Imprisonment to be undergone including remission subject to a minimum of 14 years of actual imprisonment including set off period.
2		OFFENCES RELATING TO CRIME AGAINST WOMEN AND MINOR	
	c	Where the crime is committed with Exceptional violence and or with brutality or death victim due to burns.	26 years

Category 3(b) of the Guidelines of 2010 :-

Category No.	Sub category	Categorisation of Crimes	Period of Imprisonment to be undergone including remission subject to a minimum of 14 years of actual imprisonment including set off period.
3		MURDERS ARISING OUT OF LAND DISPUTE, FAMILY FEUDS, FAMILY PRESTIGE AND SUPERSTITION.	
	b	Crime committed as above with premeditation, either individually or by a gang.	22 years

9. In the present case, the learned Additional Sessions Judge, Nanded (the convicting Court), has opined that the petitioner, having regard to the nature of the offence, is not entitled to premature/early release from jail. This opinion must, however, be examined in the light of the Full Bench decision of this Court in ***Yovehel Vijaykumar Gouri Vs. State of Maharashtra***, reported in **2020 (6) Mh.L.J. 571**. The Full Bench has laid down that the opinion of the Presiding Judge of the trial court, when expressed under Section 432 of the Code of Criminal Procedure (for short Cr.P.C.), is binding on the authorities while deciding an application for grant of remission. However, such opinion must be reasoned and must reflect due consideration of the facts of the case, the nature of the offence, manner of its commission and applicable guidelines as required under Section 432(2) of Cr.P.C. If the opinion of the Convicting Court is perused, it is not in consonance with the requirements under Section 432(2) of Cr.P.C.

10. The office of the Superintendent of Police, Nanded, has submitted a report recommending that premature release should not be granted to the petitioner,

apprehending that releasing the petitioner prematurely could lead to a breach of law and order as well as a breach of the peace. The District Magistrate, Nanded, has agreed with the said report.

11. The Prison Advisory Board Committee and the Inspector General of Police (Prisons) and Correctional Service, Maharashtra State, Pune, taking into consideration the nature of the crime and in accordance with the law laid down by the Hon'ble Supreme Court in **Jagdish** (supra), have opined that the petitioner's case falls under Category 2(c) of the Guidelines of 2010 and have recommended his release after 26 years (inclusive of all remissions).

12. The petitioner wants his case to be considered under the category 3(b) pertaining to murders arising out of family feuds. It is relevant, in this context, to consider the dictionary meaning of the word "feud". "Feud" is defined under various dictionaries as follows :-

OXFORD ADVANCED LEARNER'S DICTIONARY :

Family : a group consisting of one or two parents and their children : the other members of family.

Feud : an angry and bitter argument between two people or groups of people that continues over a long period of time : a family feud (= within a family or between two families).

COLLINS ENGLISH DICTIONARY :

Family : a primary social group consisting of parents and their offspring, the principal function of which is provision for its members.

Feud : long and bitter hostility between two families, clans, or individuals ; vendetta, a quarrel or dispute.

BLACK'S LAW DICTIONARY :

Family : A group of persons connected by blood, by affinity, or by law, esp. within two or three generations. **2.** A group consisting of parents and their children. **3.** A group of persons who live together and have a shared commitment to a domestic relationship.

Blood feud : A state of hostility between families in which one family seeks to avenge the killing of one of its members by killing a member of the other family.

CAMBRIDGE LEARNER'S DICTIONARY :

Family : a group of people who are related to each other, such as a mother, a father, and their children

Feud : a serious and sometimes violent argument between two people or groups that continues for a long period.

These dictionary definitions collectively contemplate "family feud" as a long standing dispute arising out of family relationships.

13. Independently, we would take note of the facts of the case as appearing in the judgment and order dated 11.05.2012 passed by the learned Additional Sessions Judge-4, Nanded, in Sessions Case No.118 of 2010, in paragraphs 10 and 46, which read thus :-

"10- POINT Nos. 1 to 5 :- The admitted facts in this case are that the accused Nos. 1 and 2 are the husband and son of the complainant. PW-2 is the daughter of accused No.1 & PW-1 and sister of accused No.2. the complainant had a brother Dattatraya. He married with one Anita. Anita and Dattatraya were not sailing well as such, Anita had filed criminal case against the complainant, her husband Dattatraya and mother-in-law-deceased Laxmibai. At the same time, the accused No.1 and complainant were not sailing well. As such, the complainant has filed case against accused No.1 u/sec. 498-A of I.P.Code. Previously, PWs. 1 and 2 and accused Nos. 1 and 2 were residing together at Dhanegaon. Thereafter it is the contention of the PW-1 that accused No.1 developed love relations with accused No.4 Laxmibai. Thereafter they performed court marriage. As such, the accused No.1 and accused No.4 were residing separately. Accused No.1 was a teacher at Dhanegaon. After some period of time, accused No.2 joined accused No.1 and accused No.4 Laxmibai. The murder of Dattatraya who was the brother of complainant was

committed on 15-07-2008. Since then the accused Nos.1 and 2 were absconding. In that case, the mother of complainant-deceased Laxmibai had filed complaint against accused Nos. 1 and 2. In that case, PWs. 1 and 2 were the witnesses. Therefore, the prosecution claims that the accused Nos.1 and 2 had developed grudge against the complainant, PW-2 Bhagyashree and deceased Laxmibai. Hence, on 13-11-2008 accused attempted to commit the murder of Meenabai and caused the death of her deceased mother Laxmibai Malikarjun Jadile. Further it is also not in dispute that the death of deceased Laxmibai is homicidal. The prosecution claims that it is a murder committed by the accused whereas the defence taken by the accused in cross-examination of the witnesses is that thieves caused the death of deceased Laxmibai, as such, the accused Nos. 1 and 2 have no concern with the offences charged against them. The accused Nos. 1 and 2 were absconding and traced after about 1 1/2 years. At the time of incident, PW-1 was residing at Dhanegaon, Vinkar Vasahat and her mother resides at some distance therefrom."

46.Thus, even looking to the case in hand, there is prompt FIR by the complainant, she is the victim of the assault and her testimony and testimony of PW-2 coupled with the other witnesses examined by the prosecution, their version corroborates with each other. As such, it inspires confidence to believe the same, therefore, I hold that the prosecution has proved the guilt of the accused Nos. 1 and 2 beyond reasonable doubts for the offences punishable u/secs. 452, 324, 307 and 302 r/w 34 of I.P.Code and u/sec. 4/25 of Arms Act. "

14. The petitioner had challenged the said judgment and order of the Sessions Court by filing Criminal Appeal No.403 of 2012 before this Court and the same was dismissed on 08.09.2015. While dismissing the Appeal, this Court in paragraph 17 has observed as follows:-

"17. The next submission by the learned counsel for the appellants is that a lower offence is proved and not the offence of murder. We do not agree. In the first place, the appellants were absconding in the murder case of Dattatraya and during absconding having come to know about PW 1 Meena and PW 2 Bhagyashree being witnesses in that case, they entered the house of PW 1 Meena, PW 2 Bhagyashree and her mother Laxmibai and attacked them with deadly weapons like katti and iron pipes. PW 1 Meena was severely assaulted by deadly weapons and suffered several injuries and was luckily saved. PW 2 Bhagyashree was also injured. Laxmibai was also assaulted with deadly weapons with chop wounds all over the body, who died instantaneously. The appellants have acted brutally against their blood relatives. Looking to the injuries caused by the appellants, the weapons chosen by them for assault and the determination with which they entered the house of Meena, Bhagyashree and Laxmibai at 6.00 a.m., to our mind no other offence except the murder is proved by the prosecution against the appellants."

15. In the case in hand, the facts clearly indicate a chain of disputes between the petitioner, the complainant and the deceased, who admittedly are members of the same family. The complainant Meenabai is the wife of the petitioner (husband) and their son is accused No. 2. The petitioner and the complainant i.e. husband and wife were not having cordial relations for about seven years prior to the incident, and the complainant (wife) was residing at her parental house along with her mother, deceased Laxmibai. Deceased Laxmibai - mother-in-law of the petitioner had filed a complaint against him and his son for murder of her

son Dattatraya, wherein the complainant and her daughter Bhagyashree were witnesses. Due to filing of the complaint, the petitioner and his son had developed a grudge against Meenabai- the complainant (wife), Bhagyashree- their daughter and Laxmibai- mother-in-law of petitioner. Hence they both assaulted them. In the said assault, the complainant and Bhagyashree were severely injured and as Laxmibai was assaulted with a deadly weapon, she died instantaneously.

16. The term “family feud” as understood in common parlance and as per the meaning given in various dictionaries, essentially means a long-standing dispute between members of a family or between two families. The expression “family” has a broad meaning. It includes not just blood relatives but also relatives by affinity and those connected by law, extending up to various generations. Thus, a feud can arise even within the extended family. A family feud does not necessarily mean a dispute that has been going on for generations. When a prior dispute between family members of the same generation becomes the reason for a subsequent offence, the resulting conflict certainly amounts to a family feud.

Considering the facts of the case and the above noted meaning of the word "family feud", the case of the petitioner will fall in category 3(b) which deals with "Murders arising out of Land Dispute, Family Feuds, Family Prestige, and Superstition, committed with premeditation" and not in 2(c), which deals with "offences relating to crime against women and minor, committed with exceptional violence and or with brutality".

17. Further at this stage, it would be apposite to refer to the law laid down by the Hon'ble Supreme Court in the matter of **Jagdish** (supra). In that case, the issue before the Hon'ble Supreme Court was whether a convict's case for premature release ought to be considered under the policy prevalent at the time of his conviction or under a subsequent policy. The convict in that case was entitled to the benefit of a more liberal policy that existed on the date of his conviction. However, the State sought to apply a subsequent policy which was less beneficial to him. The Hon'ble Supreme Court clarified that while the policy in force at the time of conviction ordinarily applies, if a more liberal policy is introduced and is in force on the date when the convict's case is actually considered for premature

release, the convict must be afforded the benefit of such a favourable policy.

18. Taking into consideration the principles laid down in ***Jagdish (supra)***, this Court [Coram: Revati Mohite Dere & Madhav J. Jamdar, JJ.] at Principal Seat in the matter of ***Uday S/o Dhaku Sutar Vs. The State of Maharashtra and Anr.; Criminal Writ Petition No. 4544 Of 2021***, dated 08.09.2022 has held :-

“9.

Thus Supreme Court has held that in case of convicts the policy which was prevalent when the conviction takes place will apply and if any other liberal policy prevails on the date of consideration of case for premature release then such policy will apply. The said principle of giving benefit to the convict of beneficial policy certainly applies to the two different policies/guidelines but the same will also apply to the categories in the same policy/guidelines, if case falls under both the categories.”

19. Thus, considering the law laid down by the Hon'ble Supreme Court in the case of ***Jagdish (supra)*** and ***Uday (supra)***, the underlying principle is that the benefit of a liberal policy must be extended to a convict. This principle is not confined merely to a situation where policies have changed over time, but is equally applicable

when a convict's case falls under different categories within the same set of Guidelines. In a situation where the facts of the case attract multiple categories under the very same Guidelines, the category which is more beneficial to the convict must be considered and shall be made applicable to him.

20. Applying the aforementioned principle in the instant case, category 3(b) of the Guidelines of 2010 would be more beneficial to the petitioner as it requires a total imprisonment of 22 years to be undergone including remission for premature release as against 26 years under category 2(c). Therefore, the petitioner is entitled to be placed under category 3(b) of the Guidelines of 2010. As such, we pass the following order:

ORDER

- (i) The Writ Petition stands allowed.
- (ii) The impugned order dated 02.02.2026 passed by respondent no.1, is hereby quashed and set aside.
- (iii) The respondents are directed to place the petitioner under category 3(b) of the Guidelines issued under Government Resolution dated 15.03.2010.

- (iv) Necessary order to that effect shall be passed within 15 days from the date of this order.
- (v) Rule is made absolute in the above terms and the petition is disposed of accordingly.

[VAISHALI PATIL-JADHAV]
JUDGE

[SANDIPKUMAR C. MORE]
JUDGE

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