



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 255 OF 2025

Gangaram Magan Chavan  
(Through Jail)

.....Petitioner

Vs.

State Of Maharashtra

.....Respondent

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Ms. Manisha Devkar, appointed Advocate for the Petitioner.  
Mr. Amit A. Palkar APP, for the Respondent-State.

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CORAM : A. S. GADKARI AND  
SHYAM C. CHANDAK, JJ.  
DATE : 12<sup>th</sup> JANUARY, 2026.

**ORAL JUDGMENT (Per:- A.S. Gadkari, J.):-**

- 1) The Petitioner has sent this Petition through jail seeking relief of placing him in a category of convicts to undergo sentence of 22 years for the crime, for which he is undergoing sentence.
- 2) Heard Ms. Devkar, learned Advocate appointed by the Legal Aid Committee, High Court, Mumbai and Mr. Palkar, learned APP for the State. Perused the record.

3) The Petitioner is convicted for the offence punishable under Section 302 of the IPC and sentenced to suffer rigorous imprisonment for life by Judgment and Order dated 17<sup>th</sup> December, 2008, passed by the learned Additional Sessions Judge, Greater Mumbai in Sessions Case No.778 of 2007, for commission of murder of his wife Anjudevi by pouring kerosene on her person and set her on fire with a burning candle. The said act of burning of his wife was committed by the Petitioner on 22<sup>nd</sup> July, 2007 at about 9.30 p.m. in his house. The deceased suffered 79% superficial to deep burns.

3.1) P.W. No.3 Dr. Chauhan, who performed autopsy on Anjudevi has opined that, the cause of death of deceased was Septicemia due to superficial to deep burns.

4) Appeal preferred by the Petitioner bearing Criminal Appeal No.61 of 2009 against the said Judgment and Order of conviction, has been dismissed by the co-ordinate bench of this Court by its Judgment dated 12<sup>th</sup> December, 2013.

5) The competent Authority of Home Department of Government of Maharashtra after taking into consideration the facts of the case has passed an Order dated 13<sup>th</sup> August, 2024, placing the Petitioner in category No.2(c) of the Guidelines of 15<sup>th</sup> March, 2010 issued by the Home Department.

5.1) Category 2(c) of the guidelines of 15<sup>th</sup> March, 2010 reads as under:-

***Annexure-I***

<b><i>Category</i></b>	<b><i>Sub Category</i></b>	<b><i>Categorization of crime</i></b>	<b><i>Period of imprisonment to be undergone including remission subject to a minimum of 14 years of actual imprisonment including set off period.</i></b>
<b><i>1.</i></b>			
<b><i>2.</i></b>		<b><i>OFFENCES RELATING TO CRIME AGAINST WOMEN AND MINORS.</i></b>	
	<b><i>(a)</i></b>	<b><i>....</i></b>	
	<b><i>(c)</i></b>	<b><i>Where the crime is committed with exceptional violence and or with brutality or death of victim due to burns</i></b>	<b><i>26</i></b>

6) A bare perusal of record clearly reveals that, the Petitioner was addicted to liquor and used to come home under its influence. He used to quarrel with her wife (deceased) on petty counts. On the date of incident, i.e. on 22<sup>nd</sup> July, 2007, the Petitioner returned home in a fully intoxicated condition. The deceased requested the Petitioner to bring medicine for their son who was not feeling well. The Petitioner got enraged and started assaulting his wife. Wife of the Petitioner (deceased) told him that, 'you

*have money to drink liquor but not to bring medicine for the child'* . After hearing the said thing, the Petitioner poured kerosene on the person of the deceased and ignited her with the burning candle. The deceased suffered 79% of the burn injuries and subsequently died in the hospital while undergoing treatment.

7) Considering the act of the Petitioner, we find that the competent Authority of Home Department of Government of Maharashtra has rightly placed the Petitioner in category No.2(c) of the Guidelines of 15<sup>th</sup> March, 2010 issued by the Home Department and therefore the request of the Petitioner to place him in a category for which the sentence of 22 years of imprisonment is prescribed, cannot be acceded to.

8) In view of the above discussion, we find no merits in the Petition and is accordingly dismissed.

**(SHYAM C. CHANDAK, J.)**

**(A.S. GADKARI, J.)**

SANJIV  
SHARNAPPA  
MASHALKAR  
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