

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

CRIMINAL WRIT PETITION NO. 473 OF 2015.

Washim @ Bhurya Imam Bhawaniwale ..vs.. State of Mah. thr. Superintendent of Amt.Prison,Amravati.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.S.D.Chande, Adv. for the petitioner.
Mr.R.S.Nayak, APP for the respondents.

CORAM : A.B.CHAUDHARI AND
P.N.DESHMUKH, JJ.
DATED : AUGUST 3, 2015.

1. The petitioner has approached this Court for setting aside impugned order dated 2nd of April, 2015 passed by the competent Authority by which punishment of pardon leave of three years has been imposed upon petitioner.
2. Heard Mr.S.D.Chande, learned counsel for the petitioner and Mr.R.S.Nayak, learned Additional Public Prosecutor for the respondent.
3. Perused affidavit-in-reply filed by respondent. We find that the petitioner has served sentence of 4 years, 5 months and 23 days without remission.
4. It is noted that petitioner was released on furlough leave for fourteen days on 6th of August, 2013, however, he surrendered late by 173 days on 10th of February, 2014 and thus was issued with show cause notice, to which he replied along with medical certificate of himself issued by General Hospital, Amravati certifying that he was ill, and thus failed to surrender on due date.

5. From the affidavit-in-reply of respondent, we find that while in jail the petitioner being a convict could have definitely be provided with all medical facilities in jail itself and as such we find no substance in the case of petitioner of his not surrendering on due date due to his ill-health and since the petitioner has been imposed punishment after giving him an opportunity of hearing, we do not find any substance to interfere with the order of the competent Authority which order appears to be also confirmed by the District and Sessions Judge, Amravati after its judicial evaluation.

6. In that view of the matter, we find that petitioner appears to have failed to justify his late surrender and as such is imposed with punishment of pardon leave of three years and his name has been deleted from the remission book by order dated 2nd of April, 2015, as according to the Prison Rule prisoner will get 7 days remission per month, thus per year he will get remission of 84 days. Similarly, for good conduct prison get extra remission of 30 days. Therefore, total 114 remission has been added in the record of prison. Accordingly, for 3 years ($114 \times 3 = 342$ days) the prisoner became disentitled for 360 days as remission. Therefore, name of petitioner is deleted from remission book for 3 years.

7. Having considering above, we find no substance in the petition. In the result, we pass the following order.

ORDER

Criminal Writ Petition No. 473 of 2015 is dismissed.

JUDGE

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