

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

Criminal Writ Petition No. 726/2014

Shrikrishna s/o Shripat Billewar ..vs.. The Dy. Inspector General, Central Prison,
Amravati and anr.

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

Court's or Judge's orders.

Mrs. S. P. Kulkarni, Advocate for petitioner.
Mr. T. A. Mirza, A.P.P for respondents-State.

**CORAM : A. B. CHAUDHARI &
P. N. DESHMUKH, JJ.**
DATE : JANUARY 7, 2015

Heard learned counsel for the parties.

There is a challenge to the punishment imposed
by the jail authorities on the petitioner for reporting back
late to the jail after parole/furlough leave.

Mrs. S. P. Kulkarni, learned appointed counsel
for the petitioner, vehemently argued that the imposition of
the punishment in the multiple of five is disproportionate
and unjust. As a result, the petitioner will be required to
undergo an additional period of more than 140 days in the
jail. She invited our attention to the circular that it was not
necessary to have punishment in the multiple of five and,
therefore, assailed the impugned order.

Per contra, Mr. Mirza, learned A.P.P. for the
respondents, invited our attention to the affidavit-in-reply
to the present writ petition. Having perused the affidavit-

in-reply filed by the respondents, we find that the petitioner has been a habitual late comer after leave is granted to him though, it is true that he himself had surrendered to the jail.

We find that on the first occasion when the petitioner has surrendered late, punishment in the multiple of 2 has been awarded. Thereafter, the petitioner continued his old habit of surrendering late in the jail and the jail authorities had no choice but to resort to the punishment. We are satisfied that the jail authorities have not acted arbitrarily in making the impugned order and as such no interference is required to be made in the impugned order. Hence, we pass the following order.

ORDER

(i) Criminal Writ Petition No.726/2014 is dismissed.

(ii) Professional charges of Mrs. S. P. Kulkarni, learned Appointed Advocate for the petitioner are quantified at Rs.1500/-

JUDGE

JUDGE