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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.394/2016

Bala Vastad Digambar Shitole.
...Petitioner..

Versus

The State of Maharashtra & others.
...Respondents...

.....

Shri S.S. Paturkar, Advocate appointed for petitioner.
Shri S.J. Salgare, APP for respondent nos.1 to 3.

.....

**CORAM: R.M. BORDE &
K.L. WADANE, JJ.**

DATE: 18.04.2016

ORDER :

1] The petitioner is praying for issuance of directions to respondents and to set aside the order dated 4.5.2011 passed by respondent no.2 directing deduction of period of 236 days out of the period of remission earned by the petitioner.

2] It is not a matter of dispute that the petitioner has overstayed for a period of 59 days while he was released on parole in the year 2010. The petitioner

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tendered explanation for the over-stay, which was accepted by the Divisional Commissioner and extension of parole for 60 days has been permitted by virtue of the order passed on 11.4.2016.

3] The petitioner has approached this Court merely on the basis of apprehension since the Superintendent of Yerwada Jail had earlier recommended the imposition of punishment by way of deduction in period of remission for a period of 236 days.

4] Since the proposal forwarded by the Superintendent of Jail has not been accepted and the case of the petitioner has been considered favourably by the Divisional Commissioner, the grievance raised by the petitioner in the instant petition stands redressed. The criminal writ petition as such stands disposed of.

5] Shri S.S. Paturkar, learned counsel appointed as *amicus curiae* shall be paid legal remuneration of Rs.5,000/-.

(K.L. WADANE, J.)

(R.M. BORDE, J.)