

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 2336 OF 2014

Manik Anant Patil

..Petitioner

v/s.

The State of Maharashtra .

..Respondents

Mr. N.N.Gawankar i/b. Mr. Manas Gawankar for the Petitioner.
Mrs. A.S.Pai, APP for the Respondent/State.

**CORAM : SMT. V.K.TAHILRAMANI &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : APRIL 11, 2016.**

P.C.

1. Heard both sides.
2. Rule. By consent of parties, rule is made returnable forthwith.
3. The learned Counsel for the petitioner states that he is restricting his prayers only to cutting of remission of five days for one day of overstay, and to forfeiture of security deposit of Rs.10,000/- on account of that one day of overstay.
4. The petitioner was granted furlough and he had to surrender

on 28.09.2013. However, according to the respondents the petitioner surrendered on 29.09.2013, and as it was the third time that the petitioner had overstayed when he was granted furlough, remission of five days was cut for that one day of overstay, in addition the security deposit of Rs.10,000/- was forfeited.

5. Mr. Gavankar, the learned Counsel for the petitioner submitted that on 28.9.2013 when the petitioner was on the way back to the prison in order to surrender, the vehicle in which he was traveling met with an accident, hence he was late in reporting back to the prison on 28.9.2013. As he was late in reporting back to prison, the prison authorities refused him entry in the prison on 28th. Hence the petitioner came back and reported to the prison on the next day morning. Mr. Gavankar submitted that the vehicle in which the petitioner was traveling had met with an accident and hence the petitioner could not report in time. The petitioner has annexed various documents to show that the vehicle in which the petitioner was traveling had met with an accident on 28.9.2013. Looking to these facts we are of the opinion that there was reasonable excuse for the petitioner to not report back to the prison in time on 28.9.2013.

6. The documents annexed clearly show that the vehicle of the petitioner had met with an accident on 28.9.2013 and hence the petitioner was late in reporting back to the prison by 1 day. In this view of the matter humanitarian approach needs to be taken.

7. In view of the above, we are of the opinion that the prison punishment imposed on account of overstay of 1 day deserves to be set aside. Accordingly, it is set aside. The security deposit which has been forfeited be returned back to the petitioner.

. Rule is made absolute in above terms.

(ANUJA PRABHUDESSAI, J.)

(SMT. V.K.TAHILRAMANI, J.)