

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2635 OF 2014**

Santosh Manohar Deshmukh .. Petitioner

Vs.

The State of Maharashtra .. Respondent

....

Mrs. Farhana Shah Advocate appointed for Petitioner
Mrs. A.S. Pai APP for State

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**CORAM : SMT.V.K.TAHILRAMANI AND
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : MARCH 22, 2016**

ORAL ORDER [PER SMT. V.K.TAHILRAMANI, J.]:

1 Rule. By consent, rule is made returnable forthwith.

2 The case of the petitioner is that on 17.8.2009, he was released on furlough. There was overstay on his part by 40 days, hence, prison punishment was imposed on him of cutting of remission of five days for each day of overstay. Thus, for 40 days overstay, 200 days of remission was cut. The prayer of the petitioner in this petition is that the prison punishment imposed on him for overstay of furlough leave in the year 2009 be set aside.

3 The reason given by the petitioner for overstay is that his mother had a stomach ailment and as his father was aged, his father was unable to take care of his mother and hence, he stayed back to take care of his mother. It is pointed out that father of the petitioner in fact, expired in the year 2011. It is in these circumstances that he overstayed the period of furlough.

4 Looking to the facts and circumstances of this case, we are inclined to reduce the punishment imposed on the petitioner for overstay of his furlough leave in the year 2009. Hence, instead of cutting of 5 days remission for each day of overstay, the punishment is reduced to cutting of remission of three days for each day of overstay.

5 Petition is disposed of. Rule is made absolute in above terms.

6 Office to communicate this order to the petitioner who is in Kolhapur Central Prison, Kalamba.

[SMT. ANUJA PRABHUDESSAI, J.]

[SMT. V.K.TAHILRAMANI,J.]