

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4312 OF 2015

Sunil Kashinath Chandanshive	...	Petitioner
vs.		
The State of Maharashtra	...	Respondent

Ms. Rohini Dandekar Advocate appointed for the petitioner
Mr. H. J. Dedia APP, for the State.

**CORAM: SMT. V.K.TAHILRAMANI, ACTING C.J. &
SMT. SADHANA S.JADHAV,J.**
DATE : 5th January, 2016.

ORAL ORDER (PER ACTING CHIEF JUSTICE)

Heard both sides.

- 2) Affidavit tendered by Ramesh V. Kamble, Superintendent, Nashik Road Central Prison is taken on record.
- 3) Rule.
- 4) By consent, Rule is made returnable forthwith.
- 5) It is the case of the petitioner that he had applied for parole on the ground of illness of his mother. He was granted parole leave for 30 days from 02/07/2014 to 02/08/2014. Thereafter, petitioner applied for extension of 30 days for parole leave. The said extension was granted. Thereafter, petitioner again made an application dated 16/08/2014 for further extension of parole leave. This application for

extension of parole leave came to be rejected. Thereafter, petitioner on his own surrendered to the prison, however after 72 days. Thus, there is overstay on the part of the petitioner of 72 days. For the said 72 days, prison punishment was imposed on the petitioner of cutting of remission of 5 days for each day of over stay. The prayer of the petitioner is that his prison punishment imposed on him may be quashed.

6) It is the case of petitioner that his sister Sunita was sick and she required medical treatment. Petitioner annexed to the petition the medical papers relating to the treatment and operation of Sunita. It is seen that it is not denied by the respondent that sister of the petitioner was ailing and required operation. Medical case papers which have been annexed to the petitioner show that she was operated and sutures were removed on 21/01/2015.

7) In this view of the matter, we are of the opinion that case for interfering with prison punishment imposed upon the petitioner is made out. Hence, following order is passed :

ORDER

(i) Instead of cutting remission of 5 days for each day of overstay, prison punishment is reduced and for each day of overstay one day of remission shall be cut.

(ii) Record of the prison be corrected.

(iii) This order be communicated to the petitioner who is in Nashik Road Central Prison.

(iv) Rule is made absolute in the above terms.

(v) Office to pay to the appointed counsel as per Rules.

(SMT.SADHANA S.JADHAV, J.)

(ACTING CHIEF JUSTICE)