

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 964 OF 2015

(Vilas Gyaneshwar Nagpure vs. D.I.G. (Prisons) (E), Nagpur & Anr.)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.
FEBRUARY 01, 2016.**

Heard Shri Mir Nagman Ali, learned counsel (appointed) for the petitioner and Mrs. N.R. Tripathi, learned APP for the respondents.

The petitioner, who has reported late by 67 days after enjoying parole leave, has been punished with prison punishment vide order dated 21.10.2015. The remission cut of five days for each day of delay i.e. total 335 days has been ordered.

The learned APP submits that after considering all facts and extending an opportunity to the petitioner, the punishment has been inflicted.

During hearing, we find that the prison punishment has been inflicted almost after five years. After his late surrender on 01.12.2010, the petitioner has been released on parole leave on 20.12.2011 and on furlough leave on 22.08.2012. Again he was released on parole leave on 12.06.2013. On each occasion, he has surrendered himself but late by few days.

On 25.08.2010, he was released on parole

leave and said leave was to expire on 25.09.2010. He sought extension and that extension has been declined on 29.10.2010 i.e. after the expiry of period for which extension was sought. It appears that in the meanwhile, the petitioner also sought further extension but then the date of that application is not certain. It is not very clear whether second application was sought before the expiry of period of first extension.

But facts show that the order of rejection of first extension dated 29.10.2010 has itself been communicated belatedly i.e. after 57 days to the petitioner. But that does not mean that the petitioner could have continued on parole presuming that his extension application has been allowed.

Taking overall view of the matter, as the petitioner is late by 67 days, in this situation, we substitute the punishment of cut in remission by one day for each day of delay in reporting i.e. total remission cut shall be of 67 days.

If the petitioner, after considering the punishment as imposed by us, has already completed his punishment and is not required in any other matter, the respondents shall take appropriate steps to release him forthwith.

Criminal Writ Petition is accordingly partly allowed and disposed of.

JUDGE

JUDGE