

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1489 OF 2013

Mohammed Aslam S/o.

Sahabjan Ansari

.....Petitioner

V/s.

The State of Maharashtra

.....Respondent

Ms. Rohini Dandekar, Advocate appointed for the petitioner.

Mrs. G.P. Mulekar, APP for the respondent, State.

CORAM :-

SMT. V.K. TAHILRAMANI, &

SANDEEP K. SHINDE, JJ.

DATE :-

2ND AUGUST, 2017.

ORAL ORDER (PER :- SMT. V.K. TAHILRAMANI, J) :

1. The petitioner has preferred this petition through jail. Hence, Mr. Abhaykumar Apte, from the Legal Aid panel was appointed to represent the petitioner. However, he is not present. Hence, we cancel his appointment and instead we appoint Ms. Rohini Dandekar

who is on the Legal Aid Panel to represent the petitioner in this petition. Matter is kept back.

2. Heard both sides.

3. Rule. By consent, Rule is made returnable forthwith and the matter is heard finally.

4. The petitioner preferred an application for parole. The said application was granted. Pursuant thereto, the petitioner was released on parole from 20th July, 2006. There was delay of 44 days on the part of the petitioner in reporting back to the prison. On account of this, remission of the petitioner was cut in the ratio of 1 : 5 i.e. 44 days i.e. 5 days = 220 days. Being aggrieved by this fact, this petition has been preferred.

5. It is an admitted fact that the petitioner has reported back to the prison on his own and it is not the case that, there the petitioner was arrested by the police

and brought back to the prison. It is seen that, the petitioner could not report back to the prison on time on account of the fact that, his wife was seriously ailing. Ms. Dandekar, submitted that, in view of the facts of this case, on humanitarian ground, a lenient view be taken. In this view of the matter, the prison punishment of cutting off the remission of five days for each day of overstay is reduced. Instead of cutting off the remission of 5 days for each day of overstay, his punishment is reduced to cutting off remission of one day for each day of overstay. If security deposit has been forfeited, it be returned back to the petitioner. Rule is made absolute in above terms.

6. Office to communicate this order to the prisoner who is in Yerwada Central Prison, Pune.

(SANDEEP K. SHINDE, J)

(SMT. V.K. TAHILRAMANI, J)