

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1594 OF 2013

Mohd. Aslam Sahabjan Ansari	Petitioner
V/s.	
The State of Maharashtra	Respondent

Mr. Shyam Mehta, Advocate appointed for the petitioner.

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

CORAM :- SMT. V.K. TAHILRAMANI, &

SANDEEP K. SHINDE, JJ.

DATE :- 2ND AUGUST, 2017.

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

1. Heard both sides.
2. The petitioner preferred an application for furlough. The said application was granted. Pursuant thereto, the petitioner was released on furlough on 23rd October, 2012. The petitioner was released on furlough

for 14 days. Hence, on the fifteenth day, he had to report back to the prison. However, there was delay of 13 days on the part of the petitioner in reporting back to the prison. On account of the delay in reporting back to the prison, prison punishment was imposed on the petitioner of cutting off the remission of five days for each day of overstay i.e. 13 days x 5 = 65 days remission was cut in addition the security deposit of Rs.8,000/- which was furnished by the petitioner was forfeited.

3. The petitioner had sought extension of furlough by a period of 14 days. However, the extension was not granted by the time 14 days period was over. Hence, the petitioner on the fourteenth day reported back to the prison. The petitioner was waiting for a reply to his application for extension of furlough but as no reply was given on the fourteenth day, he reported back to the prison on his own. It is to be noted that, it is not the case of the petitioner having absconded and being arrested by the police and brought back to the prison but he has

surrendered back to the prison on his own. Looking to the reasons stated in this petition, we are of the opinion that on humanitarian grounds, a lenient view needs to be taken. Hence, prison punishment of cutting off remission of 5 days for each day of overstay is reduced to cutting off remission of one day for each day of overstay. The security deposit of Rs.8,000/- which has been forfeited be returned back to the petitioner. Rule is made absolute in above terms.

4. Office to communicate this order to the petitioner who is in Yerwada Central Prison, Pune.

(SANDEEP K. SHINDE, J)

(SMT. V.K. TAHILRAMANI, J)