

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 84 OF 2017

(Kashiram Tulshiram Panzade vs. State of Maharashtra thr. Home Department & 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.
APRIL 21, 2017.**

Heard Mrs. S.H. Bhatia, learned counsel (appointed) for the petitioner and Shri A.S. Fulzele, learned APP for the respondents.

2. The petitioner questions the order of prison punishment dated 08.01.2014. As he has reported late by 31 days on 27.09.2012, remission cut of 5 days for each day of delay has been ordered. Thus, he has been asked to undergo imprisonment of 155 days more.

3. After last hearing, the learned APP has obtained information. He states that as of now, he is due to be released on 01.06.2017, after completion of the period of punishment. The learned APP has also produced a copy of reply dated 03.10.2012 given by the petitioner to the show cause notice dated 01.10.2012.

4. The reply mentions reason of his illness. Though the fact that he had been admitted to the hospital has not been specifically stated, the documents annexed with the reply shows that he was an indoor patient and was admitted in the Government Medical College & Hospital on

30.08.2012 till 05.09.2012. It also appears that there was some other investigation and papers like report of Sonography and X-ray tests etc. are produced before us.

5. In this situation, taking overall view of the matter, we reduce the punishment to remission cut of one day for each day of delay. Thus, total remission cut will be 30 days. In view of this, it appears that as of today, he has already completed his term in prison. He is, therefore, entitled to be released forthwith.

6. We, therefore, direct Respondent No. 2 to examine this and release the petitioner forthwith as per law.

7. Criminal Writ Petition is thus partly allowed and disposed of.

8. The charges of counsel appointed for the petitioner are fixed at Rs.1,500/-.

JUDGE

JUDGE

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