

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 423/2017

(SHIV KISANLAL KATRE (IN JAIL) **VERSUS** THE STATE OF MAHARASHTRA & ANOTHER)

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

Court's or Judge's orders

 Mrs. Sneha S. Dhote, Appointed Counsel for the petitioner.
 Mrs. N.R. Tripathi, A.P.P. for the respondent/State.

CORAM : SMT. VASANTI A NAIK AND
M.G. GIRATKAR, JJ.

DATE : AUGUST 11, 2017.

By this writ petition, the petitioner challenges the order of the respondent no.2, dated 28.03.2016 rejecting an application of the petitioner for grant of remission.

Ms Tripathi, the learned Additional Public Prosecutor appearing for the respondents, has submitted by placing reliance on the notification issued by the State Government relating to the remission rules, dated 02.08.2011 that in view of entry-8 in the schedule incorporated in the notification dated 02.08.2011, a convict would not be entitled to remission if he has unauthorizedly remained out of prison for a period of six months or more.

Admittedly, in the instant case, the petitioner was required to be brought to the prison, 1385 days after the expiry of his leave and, therefore, the petitioner remained out of prison for the said period unauthorizedly. Since the order is passed in consonance with the notification dated 02.08.2011, the writ petition is liable to be dismissed.

Hence, we dismiss the writ petition. Since the counsel for the petitioner is appointed through the Legal Aid Sub Committee, Nagpur, we quantify her professional fees at Rs.1,500/- which may be paid to the counsel, at the earliest.

JUDGE

JUDGE

APTE