

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

CRIMINAL WRIT PETITION NO. 595/2017

(ROHIDAS MANIK CHAWHAN (IN JAIL) **VERSUS** THE DIVISIONAL COMMISSIONER, AMRAVATI
DIVISION AMRAVATI & ANOTHER)

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

Court's or Judge's orders

Shri R.R. Chhabra, Appointed Counsel for the petitioner.
Ms T.Khan, A.P.P. counsel for the respondents.

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

DATE : SEPTEMBER 04, 2017.

By this criminal writ petition, the petitioner challenges the order of the Superintendent, Amravati Central Prison, Amravati, dated 05.12.2016 reducing the remission period of the petitioner by ninety days.

It is stated on behalf of the petitioner that the respondents were not justified in reducing the remission period of the petitioner by ninety days by applying the multiplier of three, as the petitioner had applied for extension of the parole leave and the said application was not decided.

Ms Khan, the learned Additional Public Prosecutor appearing for the respondents, states that the respondents had not received any application from the petitioner for extension of his parole leave. It is stated that the petitioner had belatedly surrendered, thirty days after the expiry of the parole leave and since this was the first occasion when he had belatedly surrendered, the multiplier of three was rightly applied.

We are not inclined to interfere with the impugned order in the circumstances of the case. The medical certificate only shows that the petitioner's mother was suffering from hypertension and some minor ailments and she was not required to be admitted in the hospital. She was taking treatment in the O.P.D. If the application of the petitioner for extension of parole leave was not decided, even assuming that it was made, the petitioner ought to have surrendered on the expiry of thirty days of the parole leave and then should have again applied for parole leave, if permissible. Since it was the first occasion on which the petitioner had belatedly surrendered, the respondents have rightly applied the multiplier of three and have reduced the remission period by ninety days.

Since there is no scope for interference with the impugned order, the writ petition is dismissed with no order as to costs.

The professional fees of the learned counsel for the petitioner are quantified at Rs.1,500/-.

Order accordingly.

JUDGE

JUDGE

APTE