

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 CRIMINAL WRIT PETITION NO. 301 OF 2018

Naresh s/o Chandraprakash Dixit (C-6195)
Central Jail Harsul, Aurangabad

...Petitioner

Versus

1. The State of Maharashtra
Through Deputy Inspector
General Prison
Central Region, Aurangabad

2. The State of Maharashtra
Through Superintendent of Jail
Aurangabad

...Respondents

.....
Advocate for Petitioners : Mr. Mr. Jaiswal Rupesh A
APP for Respondents: Mr. K.S. Patil
.....

**CORAM : S. S. SHINDE AND
V. K. JADHAV, JJ.**

DATED : 11th JULY, 2018

ORAL JUDGMENT (PER S.S. SHINDE, J.):

1. Rule. Rule made returnable forthwith. By consent, heard finally at admission stage.

2. We have considered the submissions made across the bar by the learned counsel for the respective parties. There are twofold reasons assigned in the impugned order while rejecting the prayer of

the petitioner to re-enter his name in the remission register. Firstly, when the petitioner was released on furlough leave in the year 2009, he overstayed for more than 267 days and even on second occasion when he was released on furlough in the year 2013, he overstayed for a period of 6 days. Except these two principal reasons, there is no any other substantial reason to reject the prayer of the petitioner to enter his name once again in the remission register. It appears that the petitioner was released on 8.3.2013 and he reported back late by 6 days. Thereafter, more than five years period is lapsed.

3. In view of the above, in our opinion, the reasons assigned in the impugned order are not sound and sustainable. In that view of the matter, we quash and set aside the impugned order and direct respondent No.1 to reconsider the prayer of the petitioner to enter his name in the remission register keeping in view the fact that more than five years time has been lapsed after his last release on furlough.

4. We make it clear that we have not expressed any opinion on merits of the matter and it is for the concerned authority to take decision afresh. Such decision be taken as expeditiously as possible, however, within six weeks from today.

5. Rule is made absolute in the above terms. Petition is partly allowed and disposed of.

6. Registry to issue authenticated copy of this order to the requesting party.

(V. K. JADHAV, J.)

(S. S. SHINDE, J.)

rlj/