

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
**CRIMINAL WRIT PETITION NO. 5037 OF 2017**

Mehboob Sahebjade Pirjade .. Petitioner

Vs.

The State of Maharashtra .. Respondent

Mr.Prosper D'Souza, for the Petitioner.  
Mrs.G.P. Mulekar, APP for State.

**CORAM : SMT. V.K.TAHILRAMANI ACTING C.J.  
AND M.S.KARNIK, J.**

**15th JANUARY, 2018**

**ORAL JUDGMENT (PER SMT. V.K.TAHILRAMANI ACTING C.J.) :**

1. Heard both sides.
2. The petitioner being aggrieved by the denial of 3 month's remission has preferred this Petition. 3 month's State remission was being granted to the prisoners on account of 125<sup>th</sup> Birth Anniversary of Dr.Babasaheb Ambedkar. The authority did not think it to be a fit case to grant the said remission to the

petitioner as in view of the said notification dated 03/06/2017, the petitioner was not eligible to be granted the said remission. Hence, the case of the petitioner was placed before the Additional Sessions Judge, Sangli. The Additional Sessions Judge observed that the petitioner does not deserve any commutation in the sentence.

3. The jail record of the petitioner shows that when he was released on parole on 02/08/2009, the petitioner had to surrender back on 31/08/2009. However, the petitioner did not surrender back to the prison in time and there was delay of 68 days in reporting back to the prison. He surrendered back on 08/11/2009. The notification dated 03/06/2017 which relates to remission being granted to the prisoners on account of 125<sup>th</sup> Birth Anniversary of Dr.Babasaheb Ambedkar lays down 6 cases in which a prisoner would not be eligible to be granted the said remission of 3 months. One of the categories is in relation to unauthorised stay outside the prison. The jail record of the petitioner clearly shows that the petitioner has remained outside

the prison unauthorisedly for 68 days. In this view of the matter, the petitioner cannot be granted the said remission. Hence, we are not inclined to interfere. Rule is discharged.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)