

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 1365 OF 2016

Salim Gulab Pathan
vs.

...Petitioner.

The State of Maharashtra

...Respondent.

Mr. Prosper D'souza for the Petitioner.
Mr. K.V. Saste, APP. for the State.

**CORAM : B.P. DHARMADHIKARI &
SMT. SADHANA S. JADHAV, JJ.
DATE : 13th November, 2019**

PC :

1. Heard learned counsel appointed and the learned APP. Perused the record. Prisoner was shifted to open prison. On 22.5.2011 he availed weekly off and then absconded. He was arrested and brought back on 9.6.2013. Show cause notice dated 26.5.2013 was then served upon him. He gave reply on 30.6.2013 therein he submitted that one person brought news of sad demise of his father and therefore he left the prison. He was then working and earning to support his family.
2. The date of death of father is not placed on record by him. After

going to his place he has not informed the Jail authorities that due to specific urgency he had left the Jail and was intending to come back.

3. In this situation, as order is passed after compliance with principle of natural justice and there is no perversity, we are not inclined to interfere in extra ordinary jurisdiction. Petition is rejected.

4. Order be communicated to the prisoner in jail.

(SMT. SADHANA S. JADHAV, J.)

(B.P DHARMADHIKARI, J.)