

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 81 OF 2019

Anil Dhondiram Mane ... Petitioner

Versus

State of Maharashtra and Anr. ... Respondents

Ms. Himneel Barse I/by Mr. Sachin Chandan for the petitioner.

Mr. J.P. Yagnik, APP for the respondent State.

**CORAM : B.P. DHARMADHIKARI &
P.D. NAIK, JJ.**

DATE : MARCH 11, 2019

P.C.:

The matter is to be heard finally. The question involved is regarding cut in remission. According to the report dated 10/12/2018 submitted by the Superintendent of Central Prison, petitioner has along with available remission completed 22 years, 8 months and 12 days in prison. In Clause 12, the Superintendent has mentioned that as per orders of State Government dated 31/3/2018, on the condition of good conduct, after completing 24 years of imprisonment, Government has ordered his premature release.

2. Learned APP has pointed out that the petitioner has still to

put in about year to complete 24 years of imprisonment.

3. Learned counsel (appointed) submits that for first delayed report, cut in remission is ordered as of 5 days for each day of delay. Again on second occasion, the same equation has been used. However, on last occasion, the cut in remission is 1.5 days for each day of delay.

4. We have heard respective counsel. We find that on 26/5/1998, petitioner reported late by 4 days and has suffered remission cut of 20 days. On 15/7/2009 he reported late by 88 days and has suffered similar cut of 440 days. However, lastly on 29/10/2010 when he was released on parole for 30 days, he reported back on 04/3/2011 i.e. after the delay of about 36 days. On that occasion, again remission cut of 180 days has been ordered.

5. Thus on each occasion, maximum cut in remission has been ordered. It is not very clear whether these orders of punishment were independently assailed by the petitioner. However, if for the first two occasions, some leniency is shown, petitioner may have already completed the jail term. The total cut in his remission appears to be of 640 days.

6. In this situation, in the light of the order dated 31/2/2018,

release of the petitioner on the condition of good conduct, we find it convenient that instead of directing the State Government to reconsider the quantum of punishment, we find it convenient to impose the punishment of one day cut in remission for each day on delay on first occasion, 2 days for second occasion and 2.5 days on third occasion. It is important to note that he has returned voluntarily on each occasion

7. Accordingly the State Government shall find out whether after awarding this punishment, petitioner can be released in terms of its order dated 31/3/2018. This exercise shall be completed within two months from the communication of this order to the State Government. Writ Petition is accordingly partly allowed.

8. Parties to act on authenticated copy of this order.

9. Registry to communicate this order to Yerawada Central Prison, forthwith.

(P.D. NAIK, J.)

(B.P. DHARMADHIKARI, J.)