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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1873 OF 2019

Santoshkumar Shriyaylal Roy	... Petitioner
Versus	
The State of Maharashtra	... Respondent

Mr. Abdul H. Kotwalla for the Petitioner.
Mr. Arfan Sait, APP for the Respondent – State.
Mr. Nagesh Kamble, Jailor, Yerawada Central Prison.

CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA S. JOSHI, JJ.

DATE : 15th JULY, 2019.

P.C. :

1 The learned counsel (appointed) states that in 2008 as also in 2011 parole was obtained and allowed on account of ill-health of mother. Extension was also sought and in the meanwhile, after completion of period of about 2 months he was brought back to prison by Police. Thus, there was delay of about 60 days in 2008 and 61 days in 2011. For this overstay maximum punishment of 5 days cut in remission for one day of delay has been imposed. Submission is fact that mother was unwell and prayer for extension was already made are overlooked.

2 The learned APP is strongly opposing the prayers. He submits that not only this, in 2012 when he was again released on furlough, he committed some offence and was required to be arrested. He was brought

back to prison after his arrest in that crime.

3 Counsel appointed has no instructions on these developments. He however adds that personal conduct of petitioner is satisfactory.

4 The learned APP has got some records with him. The said records therefore do not have orders by which the prayers for extension were dealt with. The question before this Court is whether rejection was before expiry of period of leave or after expiry of period of leave, and in any case whether it was before he was arrested and brought back. As this material is lacking and the learned counsel states that otherwise record of prisoner in jail is satisfactory, we direct the authorities to reconsider and find out whether the applicant/ petitioner was made aware that his request for extension stood rejected and therefore, he should report back to the prison.

5 Appropriate orders in this respect shall be passed within three months from the date of receipt of this order by the Divisional Commissioner, Pune.

6 Copy of this order be sent to prisoner in jail.

(MRS. SWAPNA S. JOSHI, J.)

(B.P. DHARMADHIKARI, J.)