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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2318 OF 2019

Umesh Gajanan Patil	... Petitioner
Versus	
The State of Maharashtra and Ors.	... Respondents

Ms. Farhana Shah for the Petitioner.
Mr. H.J. Dedhia, APP for the Respondent - State.

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

DATE : 29th JULY, 2019.

P.C. :

1 Heard respective counsel. Orders imposing prison punishment of cut in remission are assailed in present petition.

2 On first occasion i.e. in November 2004, the petitioner had proceeded on furlough leave on 24th November 2004. He sought extension on 1st December 2004 pointing out ill-health of mother and need of kidney operation. That application was forwarded on 9th December 2004 to the competent authority. It was rejected.

3 In the process he reported back late by 15 days. He was given a show cause notice on 21st January 2005 and after obtaining his reply on 5th May 2005 punishment of cut of 3 days remission for each day of late

reporting was inflicted. Thus, in all 45 days of his remission was deducted.

4 It appears that on 21st September 2005 he was given parole for operation of his mother for 30 days. On 4th October 2005 he sought extension of 30 days. That extension was allowed. Thereafter, he again sought further extension. It was not allowed and he reported back voluntarily but was late by 71 days. For this on second belated return punishment of deducting 4 days of remission for each day of delay i.e. total 284 days was inflicted.

5 These orders are being questioned after about 14 years.

6 The learned counsel submits that the petitioner has been categorised into 22 years category and if the orders imposing prison punishment are quashed and modified, he may be released immediately.

7 The learned APP is opposing the request. He submits that the petitioner has not given any explanation for approaching this Court almost after 14 years and facts are also not clearly stated.

8 After hearing respective counsel we find that in 2004 the petitioner sought extension of furlough only on the ground of operation of mother. He then reported late by 15 days. Again in September 2005, he pressed same reason, got parole for 30 days as also extension for 30 days. He then did not report for about 71 days.

9 In petition filed before this Court he has not pointed out that his mother was then attended to and her surgery was performed.

10 Law permits maximum cut of 5 days for each day of belated reporting. Here on first occasion the authorities have chosen to impose three days cut and on second occasion they have chosen to impose more severe punishment i.e. 4 days cut.

11 We therefore do not see any perversity or jurisdictional error. Rejected.

(MRS. SWAPNA S. JOSHI, J.)

(B.P. DHARMADHIKARI, J.)