

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

**CRIMINAL WRIT PETITION NO. 2040 OF 2015**

Jalinder Bhimrao Sonawane. ...Petitioner.

Versus

The State of Maharashtra & ors. ...Respondents.

Mr. Sandeep K. Singh, advocate for petitioner.

Mr. S.D. Shinde, APP for State.

**CORAM : B.P. DHARMADHIKARI &  
SMT. SADHANA S. JADHAV, JJ.**

**DATE : NOVEMBER 8, 2019.**

**P.C.:**

1           Heard petitioner. A prisoner was given parole leave on 30 days. He did not report back, was required to be arrested and was brought back on 4<sup>th</sup> May, 2007 i.e. almost after 1184 days.

2           It appears that about this late reporting punishment of cut in remission of 3552 days was proposed by adopting ratio of 3 days cut for each day of delay. Impugned order dated 3/9/2009 however, adopts ratio of 1:2 and hence, remission cut of 2368 days has been ordered. Impugned order does not show any opportunity given to petitioner. There is no reference to

*Talwalkar*

any show-cause notice or any reply or its absence.

3            Learned APP has invited attention of the Court to the fact that this order is passed in the year 2009, has been questioned in a petition presented on 6<sup>th</sup> May, 2015 and thereafter, no orders are passed by this court till date. She does not have any instructions on facts.

4            Prisoners still continues in jail and material on record shows that a proposal was moved by Superintendent to impose remission cut of 3552 days. While considering that proposal impugned order has been passed on 3/9/2009.

5            In this situation, we find that interest of justice can be made by directing the respondent No. 2 to peruse record and to pass fresh orders in the matter in accordance with law. Fresh orders shall be passed within 2 months after receipt of this order by said authority. Petition is accordingly disposed of.

**(SMT. SADHANA S. JADHAV, J)      (B.P. DHARMADHIKARI, J)**