

3.9.2019

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2881 OF 2019

Ramdas Anaji Mahadik

@ Vinhekar

.....Petitioner

V/s.

The State of Maharashtra

....Respondent

Mr. S.P. Sanjkar, Advocate for the petitioner.

Mr. Arfan Sait, APP for the State.

**CORAM : B.P. DHARMADHIKARI, &
SANDEEP K. SHINDE, JJ.
Tuesday, 3rd September, 2019.**

P.C. :

1. Heard respective Counsel.
2. Prisoner in jail since 13th March, 2007 has been convicted on 1st January, 2014. Thus, till 30th

3.9.2019

April, 2019 excluding the bail period, he has put in five years, six months and four days.

3. He was sanctioned parole on 16th June, 2015 and released on 22nd June, 2015. He was to report back on 23rd July, 2015.

4. On 1st July, 2015 he sought extension and that extension came to be rejected on 3rd August, 2015. He has reported back on 19th August, 2015 i.e. late by twenty-seven days.

5. For this late return, he was given a show-cause notice dated 20th August, 2015 and after obtaining his reply, cut in remission of three days for each day of delay i.e. total cut of eighty-one days has been imposed as punishment.

6. We find that, prisoner should have returned back on due date i.e. on 23rd July, 2015 when he did not have express order of extension in

his hand. Rejection of extension on 3rd August, 2015 is therefore not that material.

7. However, here on account of ill-health, parole was granted. The petitioner appears to have approached this court in Criminal Writ Petition No. 4879 of 2015 in the matter and that Writ Petition was disposed off on 4th January, 2016, after recording a finding that wife of petitioner only needed rest and no operation was scheduled or advised. The impugned order of punishment has been passed thereafter i.e. on 17th March, 2016.

8. In this situation, we do not find any substance in contention that the authorities ought to have extended parole leave.

9. It appears that the applicant has reported back voluntarily and that late reporting is after rejection on 3rd August, 2015. The date on which

3.9.2019

order of rejection was communicated to him is not on record.

10. Taking overall view of the matter in the interest of justice, in this situation, we are inclined to reduce the quantum of cut. We order that for late return of twenty seven days, remission cut shall be twenty seven days only.

11. Order of punishment is thus modified.

12. Petition partly allowed and disposed off.

13. Order be communicated to prisoner in jail.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)