

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

WRIT PETITION NO.3137 OF 2018

Sunil Vishwanath Kandekar ... Petitioner
Vs
The State of Maharashtra & Ors. ... Respondents
...
None for the Petitioner.
Mr. Arfan Sait, APP for the Respondent-State.

**CORAM : B.P.DHARMADHIKARI &
SANDEEP K. SHINDE JJ.**
DATE : OCTOBER 15, 2019

P.C. :

This petition is through jail. Petitioner is life convict. His parole period was extended by 30 days but he overstayed 29 days and reported back in jail on 8th June, 2009. It appears convict had applied for second extension of parole by 30 days well within time but since it was not decided, he reported back to jail on 8th June, 2009. His grievance is till date, the said application has not been decided.

2 Superintendent, Yerwada Open District Jail, Pune
imposed jail punishment of 87 days cut in remission (03

2018.odt

days for each day for overstay) in view of the Maharashtra Prisons (remission system) Rules, 1962 read with Section 46 of the Prison Act, 1894.

3 Petitioner challenges prison punishment, i.e., 87 days cut in remission and seeks direction to decide his second parole extension application, which was preferred by him well before 8th June, 2009.

4 His another grievance is while imposing prison punishment, authorities failed to take into consideration that he had applied for extension of parole well within time, but not decided.

5 Petitioner is life convict and has undergone sentence for 22 years, 2 months and 87 days, as per the nominal role prepared in June, 2018. He is in open prison since 5th December, 2013 and his likely date of release from prison is 15th March, 2020. His nominal role shows, his conduct in the prison is satisfactory and was released on parole/furlough leave on five occasions after 2010 and he returned to jail voluntarily.

6 Thus, taking into consideration facts of the case, ends of justice will be met if prison punishment I.e. 87 days cut in remission (03 days for each day for overstay) is reduced to 29 days (01 day for each day of overstay). Accordingly, prison punishment of 87 days cut in remission stands altered to 29 days.

6 Petition is partly allowed and disposed of accordingly.

7 Copy of the order be sent to convict in jail.

(SANDEEP K. SHINDE, J.) (B.P.DHARMADHIKARI, J.)