

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

CRIMINAL APPLICATION NO. 342 OF 2010
IN
WRIT PETITION NO. 2349 2008
WITH
WRIT PETITION NO. 77 OF 2009

Buvaji Shadev Hajare

...Applicant.

vs.

The State of Maharashtra

...Respondent.

None for the Applicant.

Mr. F.R.Shaikh, APP. for the State.

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

DATE : 13th November, 2019

PC :

1. Learned APP is seeking time as instructions are still awaited.
2. With his assistance we have perused the papers.
3. Challenge is to order having outward No.6688 dated 1.7.2007 passed by the Superintendent Kolhapur Central Prison, Kalamba Kolhapur. By that order cut in remission of five days for each day of late reporting has been brought down to three days. Thus, for over stay of 132 days total cut in remission ordered is of 396 days.
4. The prisoner has pointed out that he was released on furlough leave on 15.2.2007. His son met with accident on 21.2.2007 and he was admitted in hospital. He states that necessary paper cutting and medical papers are made

available on record and were supplied to the respondents. Son was then operated upon. When son was in hospital his daughter Archana was married on 14.5.2007. Again he has annexed marriage invitation card in support and thereafter he has mentioned that other daughter Ashwini was married on 24.6.2007.

5. As already observed (supra) he was arrested and brought back to prison after over stay of about 132 days. These facts mentioned by him did not form part of report dated 11.10.2007. There it is mentioned that he was arrested and brought back on 12.7.2007.

6. Order does not show that he was absconding.

7. He could have very well informed the Jail authorities about the address at which he was available and also could have applied for extension. He has not done it.

8. We therefore bring down the quantum of punishment. Accordingly one day cut in remission for each day of belated return is allowed. Thus, total cut in remission shall be of 132 days. Other prayers are rejected.

9. With these directions and observations writ petition is partly allowed and all the proceedings are dispose of.

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