

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 128/2019

Nilesh S/o Ramfar Shahu

..VS..

State of Maharashtra & anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. R.M. Mishra, Advocate (appt.) for the petitioner
Ms. N.R. Tripathi, APP for the respondents

CORAM : Z.A.HAQ & VINAY JOSHI, JJ.
DATED : 22/03/2019

Heard finally by consent of parties.

The petitioner is challenging the order directing deletion of his name from the remission register. The State has resisted the petition by contending that petitioner, when earlier released on parole leave, was required to be arrested after 512 days and therefore, the petition being devoid of merit, it be dismissed. In support of said contention, reliance is placed on the decision of this court in Criminal Writ Petition No. 309/2017 in case of Shaikh Razzak Shaikh Salim vs. State of Maharashtra & ors., decided on 04/05/2017.

It is not in dispute that earlier petitioner was released on parole leave for 30 days on 17/04/2015 but he was brought back by police to jail on 21/10/2016 i.e. after 512 days. Government Notification dated 02/08/2011 provides that if a prisoner remains out of jail unauthorizedly for more than 6 months then, he is liable for forfeiture of his right to claim parole. The said issue was squarely discussed

and covered in the above referred judgment of this Court which upheld the uniform applicability of notification.

In view of said adjudication, petitioner is not entitled for the relief claimed.

Hence, writ petition stands **dismissed**.

Fees of learned counsel appointed to represent petitioner shall be paid as per the Rules.

JUDGE

JUDGE

Ansari