

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

CRIMINAL WRIT PETITION NO.701 OF 2018

(MAROTI SHANKAR MANGAM...VS.. D.I.G. PRISON(E)(R) NAGPUR & ANR.)

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

Court's or Judge's orders

Shri A.A.Pannase, Advocate (Appointed) for Petitioner.
Ms Nandita Tripathi, A.P.P. for Respondents.

CORAM : Z.A.HAQ AND VINAY JOSHI, JJ.

DATED : APRIL 01, 2019.

Heard.

The petitioner/accused is convicted for the offence punishable under Section 302 of the Indian Penal Code and is sentenced to undergo rigorous imprisonment for life and to pay fine.

The petitioner was released on 18th November 2015 on furlough leave for two weeks. The petitioner was required to report back on 2nd December 2015. The petitioner failed to report on due date and reported/surrendered on 24th December 2015, after 21 days of the due date. Hence, the Authority has taken action as per the Rules and as per the Code of Remission, and punishment for 105 days (21x05) is imposed for delay of 21 days in reporting back. Being aggrieved by this decision, the petitioner has approached this Court.

In response to the notice issued by this Court, the respondent No.2 has filed reply. It is pointed out that the punishment for 105 days for the delayed reporting is as per

the Code of Remission and before imposing punishment, judicial appraisal for imposition of punishment of 105 days is also taken. It is further pointed out that earlier also when the petitioner was released on furlough or parole leave, he failed to surrender on due date and every time there was delay on his part in reporting back.

Considering the submission made on behalf of the respondent No.2, we find that the impugned order is just and proper. It cannot be said that the respondent No.1 has committed any error by imposing punishment which is subject matter of challenge in this petition. We see no reason to interfere with the impugned order.

The writ petition is **dismissed**.

Fees of the appointed advocate be quantified as per the Rules.

(VINAY JOSHI, J.)

(Z.A.HAQ, J.)