

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

**CRIMINAL WRIT PETITION NO. 1257/2017**

Ganesh S/o Radheshyam Sharma,

..VS..

The Superintendent, Central Prison, Amravati and Anr.,

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

Mrs. S.P. Giratkar, Advocate for the petitioner.  
Mr. A.D. Sonak, A.P.P. for the respondents.

**CORAM : Z.A.HAQ, AND**  
**PUSHPA V. GANEDIWALA, JJ.**

**DATED : 17<sup>th</sup> September, 2019**

Heard.

By this petition, the convict has challenged the decision of the respondents - authorities, removing his name permanently from the Register of Remission.

The name of the petitioner is removed from the Register of Remission permanently as there was lapse on his part in surrendering when he was released earlier on furlough leave and parole leave. It is pointed out that in 2006, the petitioner surrendered after 313 days and in 2013 he surrendered after 350 days. Apart from this, it is pointed out that on some other occasions, he surrendered after the due date.

According to the petitioner, the delay in surrendering was due to some unavoidable circumstances

which is not considered by the authorities.

Learned A.P.P. has pointed out that Regulation 23(A) of the Maharashtra Prisons (Remission System) Rules, 1962 (Amended) provides for the proportion of cutting in remission on account of delayed surrender by the prisoner/convict on being released on parole or furlough leave. As per the categorization under Regulation 23(A) of Rules of 1962 (Amended), if the prisoner stay outside the jail unauthorizedly for the period of 06 months or more, the name of that prisoner has to be struck-off permanently from the Register of Remission. We find that the authorities have taken action as per Regulation 23(A) of Rules of 1962 (Amended). Learned A.P.P. has further pointed out that the requirement as per the proviso below Regulation No.23 of the Rules of 1962 (Amended) is also complied with and before striking off the name of the petitioner from the Register of Remission, sanction of Regional Deputy Inspector General was also obtained. Copy of the order dated 14<sup>th</sup> January 2015 passed by the Regional Deputy Inspector General is also placed on record.

In the above facts, we see no reason to interfere with the impugned order/decision in the extraordinary jurisdiction.

Hence, the writ petition is **dismissed**. No costs.

**JUDGE**

**JUDGE**