

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2026 OF 2014

Baljit Singh Gurudatta Singh Bhatia ... Petitioner

Versus

The State of Maharashtra ... Respondent

None for the petitioner.

Mr. K.V. Saste, APP for the respondent State.

CORAM : B.P. DHARMADHIKARI &
NITIN R. BORKAR, JJ.
DATE : JANUARY 22, 2020

P.C.:

Petitioner has through letter dated 28/04/2014 protested against forfeiture of the amount of Rs.15,000/- as he reported late in January, 2014 after availing the furlough leave. He has stated that because of ill health of his mother, he could not return back on due date. He has also submitted that he is physically handicapped.

2. Learned APP has produced before us his past record to urge that earlier also he has reported late and therefore, forfeiture in terms of the bond executed by him, cannot be seen as perverse or without jurisdiction.

3. The nominal roll shows that the prisoner was to report back

some time in third week of December, 2013. But then he overstayed and reported back himself on 29/1/2014 i.e. late by 33 days. His explanation is as his mother needed medical attention, he could not come back. For this late reporting by 33 days, remission cut of 165 days has also been ordered.

4. Though he may have executed the bond and specific understanding about the forfeiture of the amount might have been given to him, in the above situation, we find the forfeiture of the entire amount unjust.

5. We therefore, permit the respondents to forfeit the amount of Rs.5,000/- and direct refund of the amount of Rs.10,000/-. The order be complied with within eight weeks.

6. Petition is accordingly partly allowed and disposed of. The nominal roll is retained on record as Exh. "A".

7. The order be communicated to the prisoner in Aurangabad Jail, where he is currently lodged.

(NITIN R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)