

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

WRIT PETITION NO. 5434 OF 2019

Shrikant Paragonda Basargi

...Petitioner

Vs.

The State of Maharashtra

...Respondent

Ms. Bhairavi A. Ranpise for the petitioner.

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

**CORAM : B. P DHARMADHIKARI &
N.R.BORKAR, JJ.**

DATE : 14TH JANUARY, 2020.

P.C.:

Heard Learned Counsel (appointed) for petitioner and
Learned APP. Perused papers.

2. Prisoner was released on 9th July, 2019 on furlough leave of 28 days. He was warranted orally and also in writing to report by on 7th August, 2019. Prisoner has reported by at 8.00 p.m. in the evening on 7th August, 2019. it has been treated as delayed by one day and therefore, cash security of Rs.5,000/- furnished by him, has been forfeited.

3. Learned Counsel (appointed) submits that because of unexpected heavy rains, petitioner could not report back by before 5 O'clock in the evening on that day, but then has reported back by 8.00 p.m. on same day.

4. Learned APP states that there is no jurisdictional error or perversity and therefore, Court should not intervene.

5. The matter has arisen out of late reporting at Nashik Road Central Prison. There were 2 to 3 other matters, where this Court has brought down the amount. The prisoner would have arranged to report within time if there were heavy rains by taking suitable precautions. However, record shows that he has reported back, but late by about 3 hours. There is no other adverse record.

6. In this situation, we permit respondent to forfeit only amount of Rs.500/- and to refund to prisoner, the balance amount.

7. Petition is, thus, partly allowed and disposed of.

(N.R.BORKAR, J.)

(B. P. DHARMADHIKARI, J.)