

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

WRIT PETITION NO.5801 OF 2019

Bhimrao Sahdeo

...Petitioner

vs.

The State of Maharashtra and Ors.

...Respondents

Rupali S. Akolkar i/b Prashant S. Patil for the Petitioner.

Mr. Sooraj S. Hulke, APP for the Respondent/State.

Mr. P. S. Shinde, Jailor-II, Kolhapur Central Prison, Kalamba.

**CORAM : B. P. DHARMADHIKARI,
ACTING CHIEF JUSTICE &
N. R. BORKAR, J.**

DATE : 25/2/2020.

PC.:

. Heard learned counsel for the petitioner and learned APP.
Perused nominal roll.

2. By order dated 12/9/2006 for late reporting of 1859 days after expiry of parole leave, remission cut of 9295 days has been ordered.

3. Petitioner submits that he had earlier never absconded or reported late and therefore for the first occasion itself maximum punishment has been imposed. Second contention is he was not given opportunity to explain reason for late reporting.

4. Learned APP has produced before us nominal roll at Exhibit A. Nominal roll does not show that in past he had absconded. It is mentioned that on two occasions he was released on furlough and he has reported

back within time. His conduct during said leave was also satisfactory.

5. While dealing with his parole leave it is mentioned that on 4 occasions he was released on parole. Once he was late by 7 days and he reported back voluntarily. For this late reporting also remission cut of 35 days was imposed. Order dated 12/9/2006 does not record any reasons for selecting maximum punishment. If any show cause notice was issued to the prisoner it has not been mentioned and reply to it also does not find any consideration.

6. The prisoner has been categorized into 22 years category by order dated 13/12/2018 and he has with remission up to 31/1/2020 put in about 14 years 6 months and 3 days in prison.

7. We therefore find that interest of justice can be met with by directing parties to pass a reasoned order on this remission cut of 9295 days after considering explanation furnished by him.

8. Only for that purpose order dated 12/9/2016 is quashed and set aside. The matter is restored back to file of Competent Authority for fresh order to be passed within 3 months from the date of communication of this order.

9. The petition is partly allowed and disposed of.

(N. R. BORKAR, J.)

(ACTING CHIEF JUSTICE)