

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

WRIT PETITION NO.5815 OF 2019

Kacharu Satu Salve

...Petitioner

vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Prosper D'Souza for the petitioner.

Dr. F. R. Shaikh, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI,
ACTING CHIEF JUSTICE &
N. R. BORKAR, J.
DATE : 27/2/2020.**

PC.:

. Prisoner who was released on furlough leave on 8/7/2008 for 14 days did not report back on due date, absconded and was required to be arrested and brought back. He was brought back on 17/11/2009 i.e. after 467 days. For this misconduct, his name was permanently removed from remission register. His name has been restored back again on 7/6/2019. He was given a show cause notice dated 10/12/2019 and in reply he had stated that his mother was about 80 years old, unwell and being only male member in the family, he was required to look after her. In the order of prison punishment dated 18/9/2010 which removed his name permanently from remission register this explanation is not found to be incorrect.

2. His mother has subsequently expired and he was released on death parole. He has reported back within time

3. As per nominal he has put in about 16 years 6 months and 23 days with remission till 31/12/2019. As per 14 year Rule he has been

categorized into 22 years category.

4. Co-accused with him have already been released as they have suffered their prison terms. Age of the petitioner now is about 66 years. His conduct is also good.

5. In this situation, we find that interest of justice can be met with by permitting the respondent to deduct his remission of one day for each day of abscondance. Thus, for abscondance of 467 days his remission of 467 days shall be deducted. He will then loose total remission of 934 days.

6. We accordingly grant him that relief and direct respondent to work out the date of his release.

7. The petition is partly allowed and disposed of.

(N. R. BORKAR, J.)

(ACTING CHIEF JUSTICE)