

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

WRIT PETITION NO.6275 OF 2019

Mohd. Ubedali Matiulla Rehman Ansari

...Petitioner

vs.

The State of Maharashtra

...Respondent

None for the Petitioner.

Smt. Aruna S. Pai, APP for the Respondent/State.

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

DATE : 2/1/2020.

PC.:

. Heard learned APP. Perused papers. Applicant prisoner was released on furlough leave of 28 days. He was to report back on 30/6/2019. He has reported back on 23.20 hours on that day. Because of this late reporting amount of Rs.10,000/- deposited by him as cash security has been forfeited.

2. Learned APP submits that order has been passed after extending opportunity to show cause and he was expressly warned of the consequences if he reports late. Therefore there is no jurisdictional error or perversity.

3. Reason given by the prisoner is because of rains he could not report back in time. Impugned order does not record finding that this reason given by him is incorrect.

4. In this situation, we are not in position to accept the forfeiture.

However, we feel that if there were rains the prisoner could have started earlier and reported back within time.

5. In this situation, we bring down the amount forfeited to Rs.1,000/-. Thus, remaining amount of Rs.9,000/- forfeited shall be returned back to the prisoner in accordance with law. The petition is partly allowed and disposed of.

6. Order be communicated to the prisoner in jail.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)