

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL WRIT PETITION NO. 134/2020

Sushil s/o Rambharose Bahuriya,
aged about major,
Convict No. C- 4767,
Amravati Central Prison,
Amravati.

.... **PETITIONER**

// VERSUS //

- 1) The State of Maharashtra
Through its Secretary,
Home Department, Mantralaya,
Mumbai – 400 032.
- 2) The Deputy Inspector General of Prison,
Eastern Region, Nagpur.
- 3) The Superintendent of prison,
Amravati Central Prison,
Amravati.

.... **RESPONDENTS**

Shri R. M. Sharma, Advocate for the petitioner (appointed)
Ms. T. H. Khan, APP for the respondents

**CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.**

DATED : 04/02/2021

ORAL JUDGMENT : (Per : SUNIL B. SHUKRE, J.)

1. Heard. **Rule.** Rule made returnable forthwith.

2. Heard finally by consent of the learned counsel appearing for the parties.

3. The petitioner's name is permanently removed from remission register thereby making him ineligible from getting remission in his sentence. The reason for such action taken against the petitioner is that on the last occasion, when the petitioner was released on furlough, he did not surrender himself on due date and was required to be brought back to the prison by arresting him. The delay thus caused in the petitioner's returning to the prison from the date of his release which was 27-8-2010 till he returned to the prison which was 9-12-2011 was of 454 days which was more than six months. The amended Maharashtra Prison (Remission System) Rules, 1962 prescribes that whenever a prisoner remains outside the jail unauthorisedly after having been granted parole or furlough for a period of six months or more, such prisoner would disqualify himself permanently from getting any benefit of remission in his sentence. So action taken against the petitioner in the present case is consistent with the aforestated rule and therefore, no interference is called for. The petition is dismissed.

4. Rule is discharged.

5. Legal remuneration of Rs. 500/- (Rupees Five Hundred) be paid to the learned counsel appointed for the petitioner.

(AVINASH G. GHAROTE, J)

(SUNIL B. SHUKRE J.)

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