

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

CRIMINAL WRIT PETITION NO. 136 OF 2020

(Ramesh Shankar Koli Vrs. The State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Gaurav Singh Sengar, Advocate (appointed) for the petitioner.
Shri V.A. Thakre, A.P.P. for respondent Nos. 1 to 3/State.

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**CORAM : DIPANKAR DATTA, C.J. &
PUSHPA V. GANEDIWALA, J.
FEBRUARY 03, 2021.**

(Per Pushpa V. Ganediwala, J.)

Heard Shri Gaurav Singh Sengar, learned counsel (appointed) for the petitioner and Shri Thakre, learned Additional Public Prosecutor for respondent Nos. 1 to 3 / State.

2. The petitioner is a life convict who is undergoing his sentence in District Open Prison, Yerwada, Pune. He challenges an order dated 21/05/2017 passed by the respondent No. 3 – The Superintendent of Prison, District Open Prison, Yerwada, whereby remission of 1529 days earned by the convict came to be forfeited.

3. It is alleged that on 30/12/2014, the petitioner on the false pretext to attend nature's call, escaped from the custody of the prison guard illegally and infringed the law and regulations of the jail, and

thereby committed crime under Section 224 of the Indian Penal Code.

4. The Yerwada police arrested the petitioner on 04/01/2015 and sent him back to the prison. On 28/05/2015, the respondent No. 3 issued show cause notice to the petitioner for committing crime under the Maharashtra Prison Manual, 1979 and the Prisons Act, 1894.

5. The petitioner was found guilty under Section 224 of the Indian Penal Code and for the same, the respondent No. 3 proposed the punishment of forfeiture of his remission of 1529 days and accordingly the proposal was forwarded to the learned Sessions Judge, Pune.

6. On 08/05/2017, the learned Sessions Judge, Pune approved the proposal to inflict sentence of forfeiture of remission of 1529 days earned by the petitioner during his jail term. Accordingly, the respondent No. 3 passed the impugned order.

7. Learned counsel for the petitioner submits that while passing the impugned order, the respondent No. 3 has failed to consider the aims and objectives of the Prisons Rules, 1959 in its proper perspective.

8. A perusal of the impugned order would reflect that the petitioner has disobeyed sub-rules 12, 13, 42 and 43 of Rule 19 in Chapter 26 of the Jail Discipline Rules in the Jail Manual, 1979. Accordingly, he was punished under Chapter 27 Rule 24 and 25 of the Jail

Manual, 1979 for the offence punishable under Section 224 of the Indian Penal Code. The proposal of punishment of the Superintendent of Prison, Yerwada Open Jail has been approved by the Deputy Inspector General (Jail) in accordance with law. The said proposal has also been approved by the learned Sessions Judge, Pune.

9. Considering the nature of misconduct, we do not find any infirmity in the impugned order forfeiting remission of 1529 days of the petitioner. In this view of the matter, the petition is bereft of any merits and deserves to be dismissed and the same is accordingly dismissed.

10. The fees of Advocate (appointed) for the petitioner is quantified at Rs. 1500/-.

(PUSHPA V. GANEDIWALA, J.)

(CHIEF JUSTICE)

**DB.*