

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2043 OF 2014**

Viju @ Vijay Vasant Kamble

... Petitioner

V/s.

The State Of Maharashtra.

... Respondent

Mr. Rohan Surve Appointed Advocate for Petitioner.

Mr. Ajay Patil APP, for Respondent-State.

**CORAM : A.S. GADKARI AND
MILIND N. JADHAV, JJ.**

DATE : 28th SEPTEMBER, 2022.

PC. :

1. This is a Petition received from jail.

Mr. Surve, learned Advocate appointed from the High Court Legal Services Committee, Mumbai submitted that, Petitioner was released on furlough leave for a period of 14 days i.e. from 2nd April, 2013 to 15th April, 2013. That, the Petitioner was granted extension by the Competent Authority from 16th April, 2013 to 29th April, 2013. That, the Petitioner was supposed to surrender to jail authority on 30th April, 2013 at 10.30 a.m. however he surrendered late by one day on 1st May, 2013. He submitted that, for the reasons stated in the Application there was a delay of hardly one day in surrendering to the jail authority by the Petitioner. That, due to his late surrender the security deposit of Rs.15,000/- has been forfeited by the jail

authority. He submitted that, it is the prayer of the Petitioner that, the said delay of one day in reporting the Petitioner to jail authority be condoned and said security deposit amount of Rs.15,000/- be ordered to return to him.

2. Mr. Patil, learned APP for State submitted that, Mrs. Rani R. Bhosale, Superintendent, Yerwada Central Prison, Pune has filed an Affidavit dated 6th July, 2022. He submitted that, even on earlier two occasions Petitioner reported late to the jail authority. That, out of the said two occasions on one occasion i.e. in the year 2008 he had to be arrested by the Police and admitted to prison. That, therefore the forfeiture of security deposit is well within the purview of the rules framed thereof. He further submitted that, though the petitioner surrendered late by one day the punishment for deduction in remission has not been inflicted upon him. He submitted that, there are no merits in the Petition and the same may be dismissed.

3. We have perused record. It is a fact on record that, on 15th May, 2008 when the Petitioner was granted furlough leave he did not report to the jail authority within the stipulated period and had to be arrested by the Police and admitted to the prison on 29th August, 2008. In the year 2011 also when he was released on parole leave, Petitioner surrendered to the jail authority late by 35 days.

4. As noted above, the Competent Authority has not inflicted the

punishment of deduction in remission though the Petitioner reported late to the Jail Authority and has only forfeited security deposit.

5. In view of the aforesaid facts we are not inclined to interfere with the impugned Order dated 5th March, 2014 passed by Respondent No.1.

Petition is accordingly dismissed.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]