

RMA

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

WRIT PETITION NO. 3804 OF 2021

Manojkumar Satyanarayan Paswan @
Gabbar .. Petitioner
Vs.
The State of Maharashtra .. Respondent

Mr. Veerdhaval Kakade, Advocate appointed for Petitioner
Mr. Ajay Patil, APP for State

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

DATE : 10th October, 2022.

P.C.:

. By the present Writ Petition, Petitioner has prayed that, the Order of removing him from the scrolls of remission be restored.

2. Record indicates that, Petitioner was released on parole leave on 04.02.2016 for a period of 30 days and was supposed to return back to prison on 06.03.2016. However, he did not report to the Jail Authorities and absconded. That, Crime bearing No. 00/2016 under Section 224 of IPC was therefore registered against him with Nashik Road Police Station, Nashik. The police at Mumbai subsequently arrested Petitioner on 26.06.2018 and lodged him to Nashik Road Central Prison on 26.06.2018. Thus, Petitioner returned late by 842 days to the jail for undergoing his sentence. The name of Petitioner was therefore removed from the scroll of remission system permanently.

3. Learned APP submitted that, in pursuance of circular dated 13.11.2018 issued by the Additional Director General and Inspector General of Prisons, the case of prisoners whose names have been removed permanently for considering remission can make an application to the Competent Authority or otherwise the concerned Authority will consider the case of such prisoners after seven years from the date of imposition of the said punishment i.e. removal of his name from the scroll of remission system.

4. In view of the above, Petitioner will be entitled to file a fresh Application for seeking revival of his remission system after completion of seven years from 26.06.2018 i.e. the date of his arrest on appraisal Order of the learned Ad-hoc District Judge -2 and Additional Sessions Judge, Nashik.

5. Petition is accordingly disposed of in the above terms.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]

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