



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.449 OF 2023

Shivram Shrinathilal Sharma
Through Jail
Vs.

....Petitioner

The State Of Maharashtra

....Respondent

Ms. Ashwini B. Jadhav, appointed Advocate for the Petitioner.

Mr. Y.M. Nakhwa, APP for the Respondent-State.

Mr. Prakash D. Paikrao, Jailor Cr.II, Nashik Road Central Prison present-in-person.

CORAM : A.S. GADKARI AND
SHYAM C. CHANDAK, JJ.
DATE : 29th NOVEMBER 2023.

P.C.:-

- 1) By the present Petition received from jail, the Petitioner has prayed for reliefs, namely, (i) to refund the amount of Rs.15,000/- deposited with the Jail Authority and (ii) to quash FIR No.0213 of 2022 dated 4th July, 2022 registered with Nashik Road Police Station, District Nashik under Section 224 of the Indian Penal Code, 1860.
- 2) Heard Ms. Jadhav, Advocate appointed to represent the Petitioner and learned APP for the Respondent-State. Perused record.
- 3) Learned APP tendered across the bar a photocopy of communication dated 3rd November, 2023 duly signed by the

Superintendent, Nashik Central Prison, Nashik addressed to the Public Prosecutor, High Court, Mumbai. It is stated therein that, in view of the deliberation took in Court on earlier occasion, the amount of Rs.15,000/- deposited by the Petitioner as security amount has now been deposited in its PPC Account. Thus, the Jail Authority has refunded the said amount of Rs.15,000/- to the Petitioner by depositing in its jail account/ PPC account.

4) As far as quashing of C.R. No.0213 of 2022 under Section 224 of the Indian Penal Code 1960 is concerned, it is an admitted fact on record that, the Petitioner was released on furlough leave on 8th September, 2021 for a period of 45 days and he was supposed to surrender to jail authority on or before 6th June, 2022. However, he surrendered to the jail authority on 2nd September, 2022 at about 02.30 p.m., i.e. 88 days late than the prescribed date. It is the reason, the jail authority has registered the said crime on 4th July, 2022 with Nashik-Road Police Station.

5) In view thereof, we are not inclined to quash the said crime. The Petitioner is at liberty to putforth with the defence before the trial Court justifying reporting late to the Jail Authority.

6) In view of the above, nothing further survives in the present Petition at this stage and is accordingly disposed off.

7) It is made clear that, the contentions of the Petitioner to be raised before the trial Court in C.R. No.0213 of 2022 are kept open.

8) Before paring with the Judgment, we would like to place on record a word of appreciation for the efforts put in by Ms. Ashwini B. Jadhav, learned Advocate appointed by this Court for espousing the cause of the Petitioner as she was thoroughly prepared in the matter and rendered proper assistance to the Court.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)