

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

**WRIT PETITION NO. 694 OF 2023
WITH
INTERIM APPLICATION NO.1949 OF 2023**

Raju Uttam Beldar	.. Petitioner
v/s.	
State Of Maharashtra	.. Respondent

Mr. S.S.Bedekar (Appointed Adv.) for the Petitioner.
Mr. S.V. Gavand, APP, for the Respondent-State.
Mr. S.S.Kamble, Senior Jailor, Nashik Road Prison, Nashik, present.

**CORAM : A. S. GADKARI &
SHYAM C. CHANDAK, JJ.
DATE : 26th FEBRUARY, 2024.**

P.C. :

- 1) By the present Petition received through jail, the Petitioner has requested for quashing of the Order dated 13th October 2022, of cut in his remission for 230 days, imposed by the Competent Authority.
- 2) Heard learned Advocate appointed to represent Petitioner and learned APP for the State. Perused record.
- 3) Record indicates that, the Petitioner was released on Covid-19 Emergency Parole Leave on 12th May 2020, for 45 days. The said Parole leave was subsequently extended from time to time. By a wireless message dated 13th May 2022, sent to the concerned Police Station the Petitioner was directed to report Jail Authority on or before 18th May

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2022. The said period was also further extended for 15 days and the Petitioner was expected to report to Jail Authority on or before 2nd June 2022. However he failed to do so. The police thereafter arrested him on 31st July 2022, and brought back to the jail and in the said process delay of 46 days has occurred at the behest of Petitioner in reporting back to Jail Authority.

4) In view of the Government circular dated 2nd August 2011, the Competent Authority imposed penalty upon the Petitioner and suggested cut in remission in the ratio of 1:5 days for reporting late to jail. Accordingly the Competent Authority suggested cut of 230 days in remission to the Petitioner.

5) As per the guidelines issued by the said circular the said proposal was thereafter forwarded for judicial appraisal to the Principal District Judge, Nashik. After receipt of judicial appraisal from the concerned Judicial Officer, the Competent Authority has imposed the said cut in the remission of the Petitioner. Perusal of record indicates that the Competent Authority has strictly followed the directions and/or rules enumerated in circular dated 2nd August 2011, while imposing the said cut in the remission of the Petitioner.

6) After perusing record we are of the considered view that, the Competent Authority has not committed any error either in law or on fact in imposing the cut in remission.

- 7) Petition being de hors of merits and accordingly dismissed.
- 8) In view of dismissal of the Petition itself interim application No.1949/2023 does not survive and is accordingly disposed off.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)