

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.843 OF 2024

Rajesh Babu Chautala	]	..	Petitioner
vs.			
State of Maharashtra & Anr.	]	..	Respondents

Ms.Shradha Sawant (Appointed) for the Petitioner.

Mr.D.J. Haldankar, APP for the State.

**CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ**

DATE : 4th SEPTEMBER, 2024.

P.C.

1] The Petitioner/Convict has raised challenge to the order dated 11.12.2022 passed by the Deputy Superintendent, Nashik Road Central Prison, imposing a penalty of deduction of 265 days from his remission, on account of his late surrender, on being released during Covid period, by 53 days.

Ms. Sawant who was appointed to represent the Petitioner has invited our attention to the response filed by the Petitioner-convict to the show cause notice issued to him on 31.07.2022, asking him to show cause as to why he shall not be punished in terms of circular No.23(A) dated 02.08.2011 for his late surrender.

He had responded to the said show cause notice, by stating that after availing 690 days of parole leave, he was expected to surrender on 05.06.2022, but since he was HIV patient and he was not in a good state of health, he wanted to report to the prison after he become fit, but he was arrested on 25.07.2022 and detained in prison.

2] The learned APP Mr.Haldankar has rightly pointed out that there is not a single document annexed alongwith the response to the show cause notice justifying his over stay.

Since such an act of overstaying furlough/parole leave amount to breach of conditions subject to which a convict is released temporarily from jail, the prison rules prescribe punishment and we do not find any fault in imposing penalty by deducting 265 days from his remission by way of penalty.

Upholding the above order, Writ Petition is dismissed.

[MANJUSHA DESHPANDE, J]

[BHARATI DANGRE, J]