

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2617 OF 2024

Aarif s/o Ayub Salar .. Petitioner
Versus
State of Maharashtra & Ors. .. Respondents

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Mr.Rupesh A. Jaiswal for the Petitioner.
Mr.S.V.Gavand, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 29th JULY, 2024

P.C:-

1. On 01/07/2024, we had taken note of the disparity and different treatment given to the prisoners, specially when the case of convict-Suresh Ganpat Pawar was presented to us, by informing that he was absconding for 173 and 1417 days and despite, he was held entitled for having his name restored on the Remission Register.

Mr.Jaiswal has urged that the Petitioner was absconding only for 331 days, but benefit of restoring his name in the Remission Register was denied to him.

2. After the order was passed, we have an affidavit placed before us by In-Charge Superintendent, Kolhapur Central Prison, Kolhapur and in paragraph 9 of the said affidavit, we

are informed by the deponent that on 08/02/2023, a meeting was held under chairmanship of Deputy Inspector General, South Zone, Mumbai and proposal of the Petitioner was put forth for consideration. We are also informed that the proposal was rejected, as the Petitioner did not qualify the criteria guideline in clause 9 of the Circular dated 07/10/2019. However, we have many queries about the said clause and we want Mr.Gavand to offer us clarification on the following rationale :-

- (a) What is the rationale in introducing clause 9 in the policy decision, permitting the State Government to restore a convict in the remission system whose name was removed on account of late surrender or prison penalty being imposed upon him;
- (b) As far as the wages to be earned, as contemplated in clause 9, its rationale;
- (c) Whether every prisoner is provided work on every single day in the prison and paid wages for that.

3. As far as this particular case is concerned, the affidavit filed is sans any documents showing that the Petitioner was offered work and that he has refused the work except a bald statement that the Petitioner has not performed the work assigned to him. We would like to know as to what was the work allotted to the Petitioner during his entire stay in the prison and the proof of the fact that the work was allotted to him two years prior to the date on which he is entitled for consideration, by re-admitting in the remission system.

Let the concerned officer file his affidavit to that effect within a period of two weeks from today, with an advance copy being served on Mr.Jaiswal.

4. List on 14/08/2024.

(MANJUSHA DESHPANDE,J.) (BHARATI DANGRE, J.)