



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.581/2023

Rajendra S/o Dharmraj Giradkar,
Convict No.C/6340, aged 38 Yrs.,
Occ. Nil, Confined at Open Prison,
Nagpur.

... Petitioner

- Versus -

1. State of Maharashtra,
through Deputy Inspector General of
Prison, Eastern Region,
Nagpur.

2. The Superintendent,
Open Prison, Nagpur.

... Respondents

Ms. Shweta Wankhede (Chavhan), Advocate for the Petitioner.
Ms. Nandita Tripathi, A.P.P. for Respondent Nos.1 and 2.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.

DATED : 29.1.2024.

ORAL JUDGMENT (Per Vinay Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. The petitioner has impugned herein four consecutive orders by which the Prison Authority has imposed punishment for late surrender on return of parole/furlough. The learned Counsel for petitioner would submit that the Authority has not considered the reply given by petitioner in response to show cause notice. Particularly it is submitted that petitioner has produced documents pertaining to illness of his father as well as wife, however, they have not been weighed to the Authority. It is brought to our notice that each time petitioner himself has surrendered though late, and this aspect ought to have been considered while imposing punishment.

3. We have gone through all successive orders wherein the Authority though stated reason for late surrender may be plausible but discretion has not been used. To our mind the Authority has not properly considered the documents and reasons while imposing maximum punishment under Government Resolution. Certainly the matter requires reconsideration. In

view of above impugned orders are set aside. We direct the Prison Authority to obtain fresh judicial appraisal by submitting show cause notices along with its reply for fresh appraisal report.

4. The Authority shall forward the same to the Judicial Authority within two weeks from the receipt of this order.

5. After receipt of appraisal from Judicial Authority necessary orders shall be passed in accordance with law within two weeks. Petition stands disposed of in above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)