



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.462 OF 2024

Virendrasingh Rampukar Khairwar

.Vs.

State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mrs. S.P. Chavhan, Advocate for the petitioner.

Mrs. N.R. Tripathi, APP for respondents/State.

CORAM : ANIL L. PANSARE AND

RAJ D. WAKODE, JJ.

DATED : 24.11.2025.

Petitioner was released on furlough leave for a period of 21 days vide order dated 24 February/3 March of 2017 and while releasing two conditions were imposed. One was to furnish PR Bond of Rs.10,000/- and second to deposit Rs.5,000/- cash as security. The petitioner reported late to the prison. He came after 21 days of permitting leaves.

2. It appears that because of late reporting the respondent imposed penalties. One is of depriving petitioner of getting remission of 63 days and second is that his cash surety has been forfeited vide order dated 27.02.2024.

3. The prayer indicates that petitioner has challenged order dated 31.05.2017 passed by respondent No.1 and confirmed by the Additional Sessions Judge, Nagpur vide order dated 02.08.2017.

4. We have gone through both the orders. The orders are passed based on the notification dated 02.08.2011 issued by Government of Maharashtra. It provides for certain penalties. If a prisoner who has been released on furlough leave for a period of more than 15 days and up to one month and if he reports late to the prison but surrenders on his own, the remission for the period in the ratio of 1:3 (in the present case $21:3 = 63$ days) will be deducted.

5. This is what has been done by respondent No.1 and rightly upheld by the Sessions Court. We do not find from the notification or otherwise, at least counsel for the petitioner did not bring to our knowledge that the respondent has any discretion to grant exemption or dispense with this consequence.

6. The petitioner has also challenged the order by which the cash surety of Rs.5,000/- has been forfeited. This has been done by respondent No.1 in terms of Rule 24(A) of the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 2018.

7. We have called upon petitioner's counsel and learned APP to provide us with the copy of this notification dated 16.04.2018.

8. Copy of Rules of 2018 is shown to us. Proviso to Rule 24A leaves no option to the Jail Authorities except to forfeit the cash security.

9. Thus, it appears that respondents have acted in terms of provisions of the Rules. No interference is,

therefore, called for in the writ jurisdiction. The Criminal Writ Petition is dismissed.

[RAJ D. WAKODE, J]

[ANIL L. PANSARE, J.]

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