

(1999) 04 SC CK 0142
In the Supreme Court Of India
Case No : Criminal Appeal No. 487 Of 19991

Navneet

APPELLANT

Vs

State of Maharashtra and Another

RESPONDENT

Date of Decision : 26-04-1999

Acts Referred:

Citation : (2000) 10 SCC 334

Hon'ble Judges : S. N. Phukan, J;G. T. Nanavati, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Leave granted.

2. Heard learned counsel for the parties.

3. The appellant was released on parole on 5-4-1997 for a period of 15 days. He did not surrender within time but applied for extension of parole. Ultimately, he surrendered on 13-6-1997. As he surrendered late by 53 days, the Superintendent of Prison held an enquiry and imposed a punishment of three days' remission cut for each day's absence. Thus, the Superintendent of Prison has imposed a cut of 159 days in the remission earned by the appellant. It appears that pursuant to the direction given by this Court in *Sunil Batra (II) v. Delhi Admn.* and the circular dated 4-4-1986 issued by the State of Maharashtra, the record was forwarded by the Superintendent of Prison to the District and Sessions Judge, Akola by his letter dated 26-6-1997. The Sessions Judge after considering the record approved the proposed punishment. The proposed punishment was also approved by the Inspector General of Prisons by his order dated 10-12-1997.

4. The appellant challenged the order of punishment by filing a writ petition in the High Court of Bombay. The High Court dismissed it by observing that none of the grounds raised by the petitioner deserved to be accepted. It, therefore, dismissed the writ petition summarily.

5. As it appears from the record of this case, the appellant had applied for extension of parole on 10-4-1997. As the appellant was informed that such an application was required to be made to the Additional Commissioner, Amravati, the appellant made an application to the Additional Commissioner towards the end of April 1997. No intimation was sent to the appellant as to what had happened to his application. The appellant, after waiting for some time, on his own surrendered on 13-6-1997. While his statement was being recorded by the Superintendent of Prison during the enquiry, the appellant had stated that his mother was sick and, therefore, he wanted the parole period to be extended. In fact, along with his applications made earlier, the appellant had annexed a certificate of the doctor showing the illness from which his mother was suffering. The authority sat tight over the application for a pretty long time and the appellant, on his own, thereafter surrendered.

6. These facts ought to have been considered by the High Court for deciding whether the punishment imposed upon the appellant was just and proper. In our opinion, the High Court by summarily dismissing the petition has not dealt with the writ petition of the convicted prisoner in the manner in which it deserved to be disposed of. Considering the facts and circumstances of this case, we are of the opinion that the ends of justice would be met if the order of punishment passed by the Superintendent of Prison is modified and cut in remission is reduced from 159 days to 53 days.

7. The appeal is allowed accordingly.