courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 13/09/2026

**(2018) 05 BOM CK 0018**

**In the Bombay High Court**

**Case No :** CRIMINAL WRIT PETITION NO. 1922 OF 2018

RAJESH AGLESH RAMAN — APPELLANT

Vs

THE STATE OF MAHARASHTRA AND ORS — RESPONDENT

**Date of Decision :** 02-05-2018

**Acts Referred:**

**Citation :** (2018) 05 BOM CK 0018

**Hon'ble Judges :** V.K.TAHILRAMANI, M.S.SONAK

**Bench :** Division Bench

**Advocate :** Harjeet Kaur Bhagwant Singh, G.P. Muleka

**Final Decision :** Dismissed

## Judgement

V.K.TAHILRAMANI, ACJ.

1.Heard both sides. Rule. By consent, Rule is made returnable forthwith and the matter is heard finally.

2.The petitioner preferred an application for parole on the ground of illness of his sister. The said application was rejected by the Authorities. Being

aggrieved thereby, the petitioner preferred an appeal. The said appeal came to be dismissed. However, this Court by order dated 31.3.2016, granted

parole to the petitioner for a period of 30 days. Pursuant thereto, the petitioner was released on parole on 25.4.2016 for a period of 30 days.

Thereafter, this Court by order dated 30.5.2016, extended the parole period. Thereafter, the matter came up before this Court on 20.6.2016. This

Court observed that it was not inclined to extend the period of parole and directed the petitioner to surrender back to the prison by 24.6.2016.

However, it is an admitted fact that the petitioner surrendered back to the prison on 27.6.2016. Thus, there was delay of 3 days in reporting back to

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/rajesh-aglesh-raman-appellant-hash… 

the prison.

3.On account of the delay of 3 days in reporting back to the prison, remission of 5 days was cut for each day of overstay i.e. for 3 days of overstay,

15 days of remission was cut. Being aggrieved thereby, the petitioner preferred Cri. Writ Petition No. 4653 of 2017 before this Court. This Court by

order dated 5.12.2017 after hearing both sides and looking into the facts and circumstances of the case, reduced the prison punishment to cutting of

remission of one day for each day of overstay.

4.However, prior to the order dated 5.12.2017, the prison authorities had sent a proposal for appraisal to the Sessions Court and the Sessions Court by

order dated 6.12.2017 did not ratify the prison punishment of cutting of remission of 5 days for each day of overstay. In view of these fresh facts, the

present petition has been preferred and it is prayed that even the imposition of punishment of one day for each day of overstay, be set aside.

5.Looking to the peculiar facts and circumstances stated in the application and the order of the Sessions Court dated 6.12.2017, the punishment

imposed on the petitioner for overstay of 3 days in the month of June, 2016, is set aside. Rule is made absolute in above terms. Petition is disposed of

accordingly.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/rajesh-aglesh-raman-appellant-hash… 