

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 281 OF 2014**

Kisan Pandurang Gavli
C-10721, lodged at Yerawada
Central Prison, Pune

.. Petitioner

Vs.

The State of Maharashtra

.. Respondent

....

Ms. Sonia Miskin Advocate appointed for Petitioner
Mr. H.J. Dedhia A.P.P. for the State

....

**CORAM : SMT.V.K.TAHILRAMANI ACTING C.J. &
DR.SHALINI PHANSALKAR-JOSHI, J.**

DATED : DECEMBER 14, 2015

P.C.:

1 Heard both sides. Rule. By consent, Rule made returnable forthwith.

2 The case of the petitioner is that he had preferred an application for furlough. The petitioner had applied for furlough leave in the month of December, 2012. The said application came to be rejected by D.I.G. (Prisons) Western Region, Yerawada Pune by order dated 27.2.2013. Being aggrieved thereby, the petitioner preferred an appeal before

the Additional Director General of Police and Inspector General of Prisons, Maharashtra State, Pune. The said appeal came to be dismissed by order dated 19.9.2013, hence, this petition.

3 The reasons for rejecting the application for furlough is that police report is adverse. The police report is adverse on the ground that the petitioner was released on furlough for a period from 12.11.2001 to 26.11.2001 and he was to surrender back on 26.11.2001, however, the petitioner did not report back in time and ultimately he was traced and arrested by the police and brought back to jail on 28.2.2002 i.e. after the period of 85 days. Thereafter, the petitioner again preferred an application for furlough which came to be granted and he was released on furlough on 8.6.2004 for a period of 14 days and he had to surrender back on 22.6.2004, however, the petitioner did not report back in time and ultimately he was traced and arrested by the police and brought back to the prison on 2.9.2005 i.e. after a period of 426 days.

4 The petitioner cannot now say that he has a right to be released on furlough and keep on abusing that right when

he is released on furlough. It is seen that on two occasions the petitioner had abused the right. In view of the fact that on two occasions the petitioner did not report back in time and thereafter also did not surrender back himself to the prison but he had to be arrested and brought back to the prison by the police, we can find no error in the order rejecting the application of the petitioner for furlough and the order dismissing the appeal preferred by the petitioner. In this view of the matter, rule is discharged. Petition is dismissed.

5 Fees of appointed Advocate Ms. Sonia Miskin be paid as per Rules.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [ACTING CHIEF JUSTICE]