

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

CRIMINAL WRIT PETITION (wp) No. 781 OF 2015

Mahadeo s/o Shamrao Bhaskar

v.

The State of Maharashtra & anr.

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

Courts's or Judge's orders

**Coram : B.P .Dharmadhikari and
V.M.Deshpande, JJ.**

Date : 10th DECEMBER, 2015

Submission of Advocate Samundre is that all the male members of the family were in jail and the petitioner, who was released on parole, was required to provide medical aid to his daughter and, therefore, he surrendered late by 29 days. He submits that the surrender is voluntary and he was not required to be arrested. He fairly states that along with the petitioner, one of his sons was also given leave, but that son reported back in time.

Learned APP points out that petitioner's reporting back by 29 days is not in dispute. Rejection of furlough on this count cannot be said to be incorrect.

We have perused the impugned order dated 8.5.2015. Only reason given is of late surrender by 29 days.

Petitioner was released on furlough leave on 21.6.2014 and he reported back on 19.9.2014, i.e. late by 29 days. It is, therefore, obvious that his furlough leave was also extended.

In this situation, considering the fact that all male members were in jail, we find it proper to direct the authorities to pass fresh orders. That authority till date has not taken any action against the petitioner for such late reporting. The question is, whether the petitioner had just and sufficient reason for not reporting back on due date. The authority shall, therefore, examine this aspect and pass fresh orders within a period of three months from today. Only to facilitate that substantial point, the impugned order is quashed and set aside. Writ petition partly allowed and disposed of. No costs.

JUDGE

JUDGE

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