

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.849 OF 2016

Yasin Khalil Inamdar

...Petitioner

Versus

The State of Maharashtra

...Respondent

...

Mr. A.G. Toraskar, Advocate appointed for the Petitioner.

Mr. A.S. Shitole, APP for the Respondent -State.

**CORAM: SMT. V.K. TAHILRAMANI &
SMT. ANUJA PRABHUDESSAI, JJ**

DATED: 8th March, 2016

ORAL ORDER [PER SMT. V.K.TAHILRAMANI, J.]:

Heard both the sides. Rule. By consent rule is returnable forthwith.

2. The Petitioner was released on furlough from 24.9.2015 to 7.10.2015. The Petitioner then preferred an application for extension of furlough from 8.10.2015 to 21.10.2015. As the Petitioner was not informed about the decision of his application for extension of furlough, the Petitioner on his own surrendered back to prison on 22.10.2015.

3. The Petitioner has sought extension of furlough on the ground that his wife was ill. To his application for extension of

furlough, he had annexed medical certificate dated 26.9.2015, which shows that his wife was suffering from pain in the abdomen and other medical problems and she was advised surgery i.e. hystrectomy operation. The said application came to be rejected as the report from the police was adverse. It was felt that the presence of the Petitioner was not necessary during the period of operation and though the Doctor had advised surgery, operation has not been performed.

4. It is noticed that the Petitioner was earlier released on furlough from 24.9.2015 to 7.10.2015. During this period there was no adverse report. The police report also shows that during the period the Petitioner was on furlough he did not indulge in any illegal activity and moreover the Petitioner during the Period that he was on furlough regularly reported to the police station. In this view of the matter we find there was no objective material before the police for giving the adverse report. Moreover, the police have also checked the genuineness of the medical certificate relied upon by the Petitioner for seeking extension of furlough and it was found to be genuine. In this view of the matter the order of rejection of the application for extension of furlough cannot be sustained. Hence, the order is set aside. The Petitioner is granted extension of furlough from 8.10.2015 to 21.10.2015. The prison punishment imposed on account of over stay period from 8.10.2015 to

21.10.2015 is also set aside.

5. Rule is made absolute in above terms.

6. Office to communicate this order to the Petitioner, who is in Kolhapur Central Prison, Kalamba, District- Kolhapur. Fees be paid to the appointed Advocate as per rules.

(Smt. ANUJA PRABHUDESSAI, J.) (Smt.V.K. TAHILRAMANI, J.)