

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

CRIMINAL WRIT PETITION NO.5009 OF 2015

Kiran Baban Aamale

...Petitioner

Versus

The State of Maharashtra

...Respondent

...

Ms Rohini Dandekar, Advocate appointed for the Petitioner.

Ms V.R. Bhonsale, 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 made returnable forthwith.

2. The Petitioner was released on furlough on 23rd /24th September, 2015 for a period of two weeks. Thereafter the Petitioner preferred an application for extension of furlough for 14 days. The said application came to be rejected by order dated 27.10.2015, hence, this petition.

3. The Petitioner preferred the application for extension of furlough on the ground that his sister was ill and 14 days extension of furlough may be granted so that the Petitioner could take care of

her and treat her. The said application for extension of furlough came to be rejected on the ground that the certificate relied upon by the Petitioner for seeking extension of furlough only showed that the Petitioner's sister was suffering from weakness and she was required to do test for Dengue and for these reasons presence of the Petitioner was not necessary. We have perused the certificate. The certificate clearly shows that the sister of the Petitioner is suffering from acute febrile illness alongwith jaundice. This certificate has been misread by the authorities. Looking to the facts that the sister of the Petitioner was suffering from acute febrile illness and jaundice, the Petitioner ought to have been granted extension of 14 days of furlough.

4. In view of the above, the order dated 27.10.2015 whereby the application of the Petitioner for extension of furlough came to be rejected, is set aside. The Petitioner is granted extension of furlough by a period of 14 days.

5. Rule is made absolute in above terms.

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

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