

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.252 OF 2016

Eknath Arjun Mohite,	]	
C/6351, Age : 50 Yrs.,	]	
Convict, K.C.P. Kalamba.	]	 Petitioner
<i>Versus</i>		
The State of Maharashtra	]	 Respondent

Mrs. Rohini Dandekar for the Petitioner.

Mrs. A.S. Pai, A.P.P., for the Respondent-State.

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

DATE : 3RD FEBRUARY 2016.

ORAL ORDER : [Per Smt. V.K. Tahilramani, Acting C.J.]

1. The Petitioner has preferred this Petition through Jail. Hence, we appoint Advocate Ms. Rohini Dandekar, who is on the panel of Advocates of the High Court Legal Services Committee to represent the Petitioner in this Petition.
2. Rule. Rule is made returnable forthwith.
3. The Petitioner has preferred an application for furlough, which came to be rejected by order dated 10th February 2015. The Appeal preferred by the Petitioner against the said order came to be dismissed by the order dated 6th November 2015. Being aggrieved thereby, the Petitioner has

preferred this Petition, wherein he is praying that he may be released on furlough.

4. The record shows that on 22nd November 2006, the Petitioner was released on furlough for a period of 14 days. The Petitioner did not report back in time and he absconded. Ultimately, he was arrested and brought back to the prison by the Police authorities. There was an overstay on the part of the Petitioner of 1981 days. Moreover, during the period that the Petitioner had absconded, he has committed another offence registered vide C.R. No.3169 of 2012 of Hinjewadi Police Station, Pune. The said offence was under Sections 5 and 7(25) of the Arms Act. In the said case, the Petitioner was convicted and sentenced to rigorous imprisonment for three years and fine of Rs.1,000/-.

5. Looking to all the above facts, we do not find any fault with the concerned authorities for not granting furlough to the Petitioner. Hence, the Petition is dismissed. Rule is discharged.

6. Fees quantified @ Rs.5,000/- be paid to Mrs. Rohini Dandekar, appointed Advocate for the Petitioner.

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