

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

CRIMINAL WRIT PETITION NO.1022 OF 2016

Ganesh Suresh Mane

...Petitioner

Versus

The State of Maharashtra

...Respondent

Ms Nasreen Ayubi for the Petitioner.

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

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

DATED: 17th March, 2016

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

Heard both sides.

2. Rule. By consent rule is made returnable forthwith.

3. The Petitioner was released on furlough on 27.11.2015 for a period of 14 days. After being released on furlough, the Petitioner preferred an application for extension of furlough for another 14 days. Said application came to be rejected. Hence, this petition.

4. It is seen that the Petitioner was released on furlough for 14 days and he had to surrender on 11.12.2015. However, before the period got over the Petitioner preferred an application

for extension of furlough on the ground of illness of his father. This application was sent to the Dattanand Police Station, Pune, for verification. Report of police dated 8.12.2015 shows that father of the Petitioner was suffering from medical problem of prostate for which he was admitted in hospital and on 17.11.2015 he was operated. The father of the Petitioner was discharged on 20.11.2015 and thereafter he was under going treatment in the hospital. The statement of the Doctor shows that the illness was serious in nature.

5. Looking to the fact that after the operation of the father of the Petitioner he was still undergoing treatment in the hospital, we are of the view that furlough ought to have been extended by a period of 14 days i.e. from 12.12.2015 to 25.12.2015. It is an admitted fact that the Petitioner had surrendered on 26.12.2015 on his own.

6. In view of the above facts, we are inclined to grant extension of furlough by a period of 14 days from 12.12.2015 to 25.12.2015. If any prison punishment has been imposed on account of over stay, said prison punishment is set aside.

7. Rule is made absolute in above terms.

8. Fees be paid to the appointed Advocate as per rules.

9. Office to communicate this order to the Petitioner, who is in Yerwada Central Prison, Pune.

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