

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1024 OF 2016

Ajay @ Chiku Banshbahadur Singh
Versus

...Petitioner

The State of Maharashtra

...Respondent

Mr. Yashpal Thakur, Advocate appointed for the Petitioner.
Mr. H.J. Dedia, A.P.P. for the Respondent -State.

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

DATED: 29th March, 2016

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

Heard both sides. Rule. By consent Rule is made returnable forthwith.

2. On 10.9.2015 the Petitioner was released on furlough for 21 days because the Petitioner was to spend his furlough out of the State and at that time the rules stated that if the prisoner is going out of the State for furlough, then he can be released on furlough for 21 days instead of usual 14 days. After the Petitioner was released on furlough he preferred an application for extension of furlough for 14 days as his mother was unwell. At that time the

prisoner who was to spend furlough period out of the State, was allowed extension for a period of 14 days. However, the Petitioner was only granted extension of 7 days. The Petitioner surrendered on 16.10.2015 i.e. 7 days late as he was granted extension of furlough of 7 days instead of 14 days. The Petitioner is now seeking that his furlough period be extended by 7 days.

3. The Petitioner had preferred an application for extension of furlough for 14 days on the ground that his mother was unwell. This ground was relied upon by the concerned authorities and extension of furlough was granted but only for a period of 7 days. The application of the Petitioner for extension of furlough was pending and he was not communicated any decision thereon therefore, as soon as the 14 days period was over the Petitioner surrendered back to the prison.

4. The grievance of the Petitioner is that as he was spending the furlough out of the State instead of seven days he ought to have been given extension of furlough for 14 days. Looking to the fact that the concerned authorities have found the reason for the Petitioner to seek extension of furlough to be genuine, i.e. the mother of the Petitioner was unwell, the authorities ought to have granted extension of 14 days. However,

only 7 days' extension was granted. Looking to the facts and circumstances of this case in our opinion extension of furlough ought to have been granted for 14 days.

5. In view of the above, we are inclined to grant the prayer of the Petitioner for extension of furlough by 7 days. If any prison punishment has been imposed on the Petitioner on account of overstay of 7 days the same is set aside. Surety deposit if forfeited be returned back to the Petitioner.

6. Rule is made absolute in above terms.

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