

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1063 OF 2016

Vijay Kisan Waghmare

...Petitioner

Versus

The State of Maharashtra

...Respondent

Ms Rohini Dandekar for the Petitioner.

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

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

DATED: 21st March, 2016

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

Heard both sides.

2. Rule. By consent rule is made returnable forthwith.
3. The Petitioner preferred an application for furlough, which came to be rejected on 6.10.2015. An appeal against the said order preferred by the Petitioner came to be dismissed on 18.1.2016. Hence this petition.
4. The application for furlough came to be rejected as on the last occasion when the Petitioner was released on parole, he was late by 69 days before surrendering back to the prison. Jail

chart shows that the Petitioner was released on furlough on 11.4.2012, 13.6.2013 and 15.1.2014 and on all the three occasions the Petitioner reported back to the prison in time. Thereafter the Petitioner was released on parole on 4.8.2014 for a period of 30 days. The Petitioner preferred one application for extension of parole for 30 days. Thereafter he preferred another application for extension of parole for another 30 days. However, till the Petitioner reported back to the Prison his applications for extension of parole were not decided. There was delay on the part of the Petitioner of 69 days in reporting back to the prison. The reason given by the Petitioner is that his mother was advised surgery during the period that he over stayed on parole and his daughter's marriage also took place during that time. Moreover he sent his three other daughters to Mahila Sevagram Sanstha, Pune, for their further education. He sent them to the said Sanstha on 12.11.2014 and on the same day he reported back to the prison. It was on account of this fact that there was over stay on the part of the Petitioner of 69 days.

5. Looking to the fact that earlier when the Petitioner was released on furlough he reported back in time on three occasions and on last occasion that he over stayed the parole leave he has surrendered on his own and looking to the reasons stated by the Petitioner for over stay, we are inclined to grant the prayer of the

Petitioner for furlough. The Petitioner to be released on furlough on complying with necessary conditions as set out by the jail authority.

6. Rule is made absolute in above terms.

7. Office to communicate this order to the Petitioner, who is in Yerawada Central Prison, Pune.

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

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