

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1366 OF 2016

Yogesh balasaheb Ingale

... Petitioner

Vs.

The State of Maharashtra

... Respondent

Ms.Rohini Dandekar, Adv. appointed for the Petitioner
Mr.H.J. Dedia, APP, for Respondent - State

CORAM: **SMT. V.K. TAHILRAMANI &
MRS.MRIDULA BHATKAR, JJ.**

DATE: AUGUST 23, 2016

P.C.:

1. Heard both sides.
2. Rule. By consent, Rule is made returnable forthwith.
3. The petitioner preferred an application for furlough on 17.3.2015. The said application was granted by order dated 25.8.2015. Pursuant to the said order, the petitioner was released on furlough on 9.9.2015 for a period of 14 days. He had to surrender on 22.9.2015. On 15.9.2015, the petitioner preferred an application for extension of furlough for a period of 14 days i.e., upto 6.10.2015. The said application was made within time. The extension was sought on the ground that he had suffered injury to the right ankle and the Doctor had advised him not to move for a period of 14

days from 11.9.2015. The genuineness of this certificate is not doubted by the prosecution. In fact, the order of rejection states that the medical reason given by the petitioner for extension of furlough is seen to be true. In addition, the mother of the petitioner was also unwell. The medical certificate of the mother of the petitioner is dated 10.9.2015. It shows that she had chronic problem in L4 and L5 discs and she was advised Laminectomy. It is an admitted fact that the petitioner surrendered on 7.10.2015. His application for extension of furlough was rejected on 31.10.2015. Looking to the fact that the petitioner himself could not walk, it would not have been possible for the petitioner to travel to the jail and surrender himself. The order of rejection shows that the medical reason for which the petitioner is seeking extension of furlough is found to be true. Moreover, the petitioner himself surrendered to the prison on 7.10.2015. Looking to all these facts, we are inclined to grant extension of furlough. Any prison punishment imposed on account of overstay of furlough in the period between 23.9.2015 to 6.10.2015 is set aside.

4. Rule is made absolute in the above terms.
5. Office to communicate this order to the petitioner, who is in Kolhapur Central Prison, Kolhapur.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)