

Vidya

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1965 OF 2016

Namdev Mahadev Girigosavi ... Petitioner
Vs.
The State of Maharashtra ... Respondent

Ms. Rohini Dandekar, Advocate appointed for the petitioner.
Mrs. U.V. Kejriwal, APP for the Respondent/State.

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

DATE: **JUNE 23, 2016**

ORAL ORDER (Per V.K. Tahiramani, J.)

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

2. The petitioner had preferred an application for furlough, which came to be granted by an order dated 17th April, 2015. Pursuant to the said order, the petitioner was released on furlough from 18th April, 2015 to 1st May, 2015. On 23rd April, 2015, the petitioner preferred an application for extension of furlough by a period of 14 days on the ground that his son was unwell. The said application came to be rejected. The petitioner surrendered back to the prison on 16th May, 2015, i.e., there was overstay of 14 days on the part of the petitioner. The petitioner is now seeking that he be granted extension of furlough by a period of 14 days.

3. The order of rejection of the application of petitioner for extension of furlough shows that enquiries were made with Dr. Kamat, whose certificate was relied upon by the petitioner to show that his son was unwell. Enquiries with Dr. Kamat showed that the son of the petitioner was taken to the hospital of Dr. Kamat and Dr. Kamat treated him for 15 days. The order of rejection shows that the reason given by the petitioner for extension of furlough is found to be true and genuine.

4. In view of the above, we are of the opinion that on humanitarian ground, the petitioner ought to have been granted extension of furlough by a period of 14 days. Hence, we set aside the order of rejection dated 20th October, 2015 and instead we grant extension of furlough to the petitioner by a period of 14 days. Any action been taken on account of overstay of furlough is set aside.

5. Rule is made absolute in above terms.

6. Office to communicate this order to the petitioner who is in Kolhapur Central Prison.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)