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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2118 OF 2016

Bhaskar Jagannath Mundhe	...	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: MRS. V.K. TAHILRAMANI &
MRS. MRIDULA BHATKAR, JJ.**

JULY 5, 2016.

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

Heard both sides.

2. Rule. By consent, rule is made returnable forthwith.
3. The petitioner had preferred an application for furlough on 13th May, 2015. The said application was granted and the petitioner was released on furlough on 19th August, 2015 for a period of 14 days. Thus, the petitioner had to surrender on 3rd September, 2015. After being released on furlough, the petitioner preferred an application for extension of furlough on 24th

August, 2015. The said application came to be rejected. Hence, this Application.

4. Learned APP pointed out that on 16th June, 2014 the petitioner had preferred an application for furlough. The said application was granted and the petitioner was released on furlough on 11th December, 2014 for a period of 14 days. The petitioner preferred an application for extension of this furlough leave. The said application was granted and furlough leave of the petitioner was extended by a period of 14 days. Thus, the petitioner had to surrender on 8th January, 2015.

5. However, as far as second furlough application is concerned, the petitioner had to surrender on 3rd September, 2015, however, he surrendered on 17th September, 2015, i.e., 14 days late, hence it is prayed that furlough period be extended from 3rd September, 2015 for a period of 14 days, i.e., upto 17th September, 2015. The further prayer of the petitioner is that the punishment imposed on him of forfeiture of remission of overstay of furlough leave from 3rd September, 2015 to 17th September, 2015 be set aside.

6. The Government has issued a circular dated 2nd December, 2013, being Circular No. CR/MIS0198/20 CR-69 P.R.S. 2. In the said Circular, it is stated that in any calendar year, a prisoner can be granted extension of furlough only once. As the furlough period of the petitioner was already extended when he was released on furlough on 11th December, 2014 and after extension of furlough he had to surrender on 8th January, 2015. Thereafter again on 4th September, 2015 further extension of furlough cannot be granted. In this view of the matter, we are not inclined to interfere. Hence, Rule is discharged.

(MRS. MRIDULA BHATKAR,J.) (MRS. V.K. TAHILRAMANI, J.)