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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2143 OF 2016

Ramdas Baburao Vashinekar ... 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.

JUNE 29 , 2016.

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

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

2. The petitioner has preferred an application for furlough. The said application for furlough came to be granted and the petitioner was released on furlough on 18th October, 2015 for a period of 14 days. Thus, the petitioner had to surrender on 31st October, 2015. On 24th October, 2015, the petitioner preferred an application for extension of furlough by a period of 14 days on the ground that he was unwell. The said application for

extension of furlough came to be rejected by DIG (Prisons), Pune on 18th May, 2016. Hence, this Petition.

3. It is seen that the petitioner preferred an application for extension of furlough on the ground of his own illness. In the order of rejection dated 18th May, 2016, it is reflected that the reason stated by the petitioner for extension of his period of furlough is true. Moreover, in the said order it is further reflected that during the period the petitioner was on furlough, he abided by all the terms and conditions whereby he was granted furlough. In addition, the order dated 18th May, 2016 shows that during the period the petitioner was on furlough, he regularly attended the police station as directed. In addition thereto, the order dated 18th May, 2016 shows that during the period the petitioner was on furlough, he did not commit any crime or any default. In view of these facts and especially the fact that the reason given by the petitioner for extension of furlough was found to be genuine, on humanitarian ground, we are inclined to extend the period of furlough by a period of 14 days. Any punishment imposed on the petitioner for overstay from 1st November, 2015 to 14th November, 2015 is set aside.

4. Rule is made absolute in above terms.

5. Office to communicate this order to the petitioner, who is in Yerwada Open District Prison, Pune. The fees to be paid to the appointed counsel are quantified at Rs.2,500/-.

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