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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2334 OF 2016

Popat Khandu Pisal	...	Petitioner
vs.		
The State of Maharashtra	...	Respondent

Mr. Prosper D'souza, Advocate appointed for the petitioner.
Mrs. U.V. Kejriwal, APP for the State.

**CORAM: MRS. V.K. TAHILRAMANI &
MRS. MRIDULA BHATKAR, JJ.
DATE : JULY 25, 2016.**

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

Heard both sides.

2. Rule. By consent, rule is made returnable forthwith.

3. The petitioner preferred an application for furlough on 27th November, 2015. The said application came to be rejected by the order dated 17th February, 2016. Being aggrieved thereby, the petitioner preferred an appeal. The Appeal came to be dismissed by the order dated 6th May, 2016, hence, this petition.

4. The application of the petitioner for furlough came to be rejected because in the year 2009, the petitioner was released on furlough for a period of 14 days. Thereafter he was granted extension of furlough by a period of 14 days. Thus, the petitioner had to surrender after 28 days from the date of his release on furlough. However, the petitioner did not surrender back in time and there was overstay on the part of the petitioner for 1156 days. The petitioner reported back to the prison on 26th November, 2012. Based on the fact that the petitioner had overstayed for 1156 days, it is apprehended that if the petitioner is granted furlough, he would not report back to the prison on time. Looking to the conduct of the petitioner, it cannot be said that this apprehension is without any basis.

5. Looking to the facts of this case, no case is made out for interference. Rule is discharged.

6. The fees to be paid to the appointed counsel are quantified at Rs.2,500/-.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)