

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2869 OF 2016

Vasant Siddhu Chavan
through his wife Kamal Vasant Chavan ... Petitioner

Vs.

The State of Maharashtra ... Respondent

Ms.Rohini Dandekar, advocate appointed for the Petitioner
Mr.Arfa Sait, APP, for Respondent - State

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

DATE: **SEPTEMBER 14, 2016**

P.C.:

1. The petitioner preferred an application for furlough leave. The said application came to be granted and the petitioner was released on furlough on 10.4.2015 to 24.4.2015 i.e., for a period of 14 days. The petitioner had to surrender on 25.4.2015. However, the petitioner surrendered on 28.4.2015. There was a delay of 3 days on the part of the petitioner in surrendering back to the prison. The prayer of the petitioner is that he be granted extension of furlough by a period of 3 days.

2. The record shows that the petitioner had been regularly attending the police station. On 25.4.2015, i.e., on the day when the petitioner was to report back to the prison, his wife suddenly started sweating and fell

unconscious. Hence, he immediately took her to Dr.Patil in Sardar Colony Tarabai Park, Kolhapur. The Doctor examined the wife of the petitioner and admitted her in the hospital. The wife of the petitioner was discharged from the hospital on 27.4.2015 at 4pm. The petitioner immediately left for Kolhapur Central Prison, Kalamba in order to surrender himself to the prison. However, he reached the prison gate after 6pm, hence, he was told that prisoners are admitted to the prison only till 5.30 pm and not thereafter. Hence, the petitioner waited and the next day in the morning i.e. on 23.4.2015 at 8am, he surrendered back to the prison.

3. Looking to the peculiar facts and circumstances of this case, we are of the opinion that on humanitarian ground, extension of furlough ought to be granted for a period of 3 days. Accordingly, extension of furlough is granted for a period of 3 days. Any prison punishment imposed on account of the overstay is set aside. The security deposit which has been forfeited, be returned back to the petitioner. We make it clear that this order is passed in the peculiar facts and circumstances of this case.

4. Rule is made absolute in the above terms.

5. This order be communicated to the petitioner who is in Kolhapur Central Prison, Kalamba, Kolhapur.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)