

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4453 OF 2014

Salim Gaus Mohammad Shaikh

...Petitioner

Versus

The State of Maharashtra

...Respondent

Ms Rohini Dandekar for the Petitioner.

Ms A.S. Pai, APP for the Respondent -State.

**CORAM: SMT. V.K. TAHILRAMANI &
SMT. ANUJA PRABHUDESSAI, JJ**

DATED: 15th March, 2016

ORAL ORDER: [Per : SMT. V.K. TAHILRAMANI, J.]

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

2. The Petitioner had preferred an application for furlough, which came to be rejected. Being aggrieved thereby the Petitioner preferred an appeal. Said appeal came to be dismissed. Hence, this petition.

3. The application of the Petitioner for furlough came to be rejected because on 29.10.2010 when he was released on parole, he reported back to the prison one day late. Thereafter on 8.8.2013 when the Petitioner was released on parole he reported

back to the prison 31 days late. It is on these two grounds that the application of the Petitioner for furlough came to be rejected. The record of the Petitioner shows that on 22.2.2009 when he was released on furlough he reported back to the prison in time. Thereafter on 27.8.2011 when the Petitioner was released on furlough he reported back to the prison in time. It is no doubt true that on 29.10.2010 when the Petitioner was released on parole he reported back to the prison one day late. It is seen that the Petitioner had reported back to the prison on his own and he was not required to be arrested by the police and brought back to the prison. Thereafter on 30.8.2012 the Petitioner was released on parole and reported back in time. However, on 8.8.2013 when the Petitioner was released on parole, he reported back to the prison 31 days late. On this occasion the Petitioner reported back to the prison on his own and he was not required to be arrested and brought back to the prison. On 8.8.2013 the Petitioner was released on parole as his mother was ill. After the Petitioner was released on parole on the ground of his mother's illness, his mother expired and therefore, the Petitioner could not report back to the prison in time. It is in these circumstances that there was over stay on the part of the Petitioner. Moreover, it is seen that the conduct of the Petitioner in the prison is good.

4. Looking to all these facts we are inclined to release the

Petitioner on furlough on usual terms and conditions which are imposed by the concerned authority.

5. Rule is made absolute in above terms.
6. Office to communicate this order to the Petitioner, who is in Nashik Road Central Prison, Nashik.
7. Fees be paid to the appointed Advocate as per Rules.

(SMT. ANUJA PRABHUDESSAI,J.) (SMT. V.K. TAHILRAMANI,J.)