

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.382 OF 2016

Krushnat s/o Bhimrao Shinde (In Jail)

-vs-

D.I. G. of Police (Prisons), Pune (West Divn) and ors.

---

Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

---

Shri R. D. Hajare, Advocate for petitioner (appointed).  
Shri V. A. Thakare, Addl. PP for respondents.

CORAM : B. P. DHARMADHIKARI &  
A. S. CHANDURKAR.

DATE : October 17, 2016

The petitioner released on furlough on 03/11/2015 had sought extension of further period of two weeks on the ground that his mother needed his attendance. By the impugned order dated 30/12/2015 extension has been refused on the ground that one of the witnesses stated that extension should not be allowed.

The order refusing extension is passed on 30/12/2015. The petitioner has reported back on 02/12/2015.

According to learned counsel (appointed) for the petitioner the impugned order shows non-application of mind. Learned Addl. PP states that the order is well reasoned.

The order shows that furlough leave sanctioned was from

04/11/2015 to 17/11/2015. Extension sought was from 18/11/2015 to 01/12/2015. The extension has been sought by moving an application on 18/11/2015 itself.

The impugned order mentions that petitioner while on furlough leave has attended the Police Station regularly and has conducted himself as per law. Thus, only because of objection raised by one of the witnesses, extension has been denied. The order therefore shows non-application of mind. Moreover, it has been passed belatedly i.e. after the period for which extension was sought had expired. Hence, on this ground, we quash and set aside the order dated 30/12/2015. Application seeking extension moved by the petitioner shall be deemed to have been granted and his reporting on 02/12/2015 shall be regularised. Consequential forfeiture of cash security is also quashed and set aside.

Writ petition is allowed.

Charges of the counsel appointed are fixed at Rs.1500/-.

**JUDGE**

**JUDGE**