

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

CRIMINAL WRIT PETITION No. 579 OF 2016.

Vishwas Rajaramji Dhavane (In Jail)

-VERSUS-

The State of Maharashtra and another

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

Court's or Judge's Orders

**CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.**

DATE : DECEMBER 08, 2016.

Heard Ms. Nirmal Sorte, learned Counsel [appointed] for the petitioner and Ms. M.H. Deshmukh, learned A.P.P. for respondents. Perused impugned order dated 10.05.2016 and reply-affidavit filed by respondent State.

2. Shri Sorte, learned counsel submits that merely because petitioner had reported back late or was required to be arrested, furlough cannot be declined.

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3. Learned A.P.P. is relying upon the facts of the matter. She submits that on last three occasions, petitioner was required to be arrested and brought back. Period for which he was absconding is 487 days, 73 days and 856 days respectively.

4. After hearing the learned counsel, we find that no action has been taken against the petitioner for this alleged absconding or late reporting. There is no record of any prison punishment.

5. If petitioner was constrained by circumstances beyond his control not to report back within time, perhaps a different view can be taken. The impugned order also does not show any material to enable us to dwell on this aspect.

6. In this situation, we quash and set aside the order impugned and direct the authorities to pass fresh orders in accordance with law, within a period of three months.

7. Writ Petition is thus partly allowed and disposed of.

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8. Fees payable to the learned counsel appointed for the petitioner quantified at Rs. 1500/-.

JUDGE

JUDGE

Rgd.