

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

CRIMINAL WRIT PETITION (wp) No. 697 OF 2015

Rajendra Dharmaraj Giratkar

v.

The D.I.G. Prison (E)(R), Ngp. & anr.

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

Courts's or Judge's orders

**Coram : B.P .Dharmadhikari and
V.M.Deshpande, JJ.**

Date : 27th JANUARY, 2016

Heard Advocate A.V. Band appointed for the petitioner and learned APP for the State.

Perused the reply. Petitioner who was released on furlough leave on 30.4.2015 was to report back on 15.5.2015. He sought extension on account of ill-health of his mother by moving an application on 06.5.2015. He also furnished necessary documents along with that application. Advocate Band submits that the impugned order dated 11.6.2015 shows total non-application of mind. He also submitted that the petitioner had returned back on 28.5.2015 after the extended period of leave.

Learned APP strongly opposes the petition

contending that the petitioner could not have continued on leave when extension was not granted. She further states that the reasons given are not genuine.

We have perused the impugned order. Perusal of impugned order shows total non-consideration of the reasons pressed into service by the petitioner for seeking extension. Petitioner has pointed out the Certificate issued by the Doctor which supports his contention about the ill-health of his mother and her treatment. He also asserted that there is no relative to look after his ailing mother.

The very conduct of the petitioner shows that he has reported daily at the concerned police station and thus has followed the terms and conditions of his release. Not only this, after expiry of the period for which extension is sought, he reported back on time. Impugned order has been passed thereafter. We, therefore, quash and set aside the impugned order. Furlough leave of the petitioner shall be deemed to have been extended for all practicable purposes up to 28.5.2015.

Writ petition is partly allowed and disposed of.

Professional charges of learned counsel appointed for the petitioner are quantified at Rs.1500/-.

JUDGE

JUDGE