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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 190 OF 2017

Suresh @ Ramchandra Laxman Bhopi ...Petitioner/Accused

Vs.

The State of Maharashtra ...Respondent/Complainant

Mr. Prosper D'Souza, Advocate appointed for the Petitioner

Mr. H.J. Dedia, A.P. P for the State

CORAM : SMT. V.K. TAHILRAMANI, &

M.S. KARNIK, JJ.

DATED : 1ST FEBRUARY, 2017

P.C. :

Heard both sides.

2. The Petitioner preferred an application for furlough on 29th March, 2015. The said application was granted by an order dated 21st April, 2015. Pursuant to the said order the Petitioner was released on furlough on 6th May, 2015 for a period of 14 days. The Petitioner had to surrender on 19th May, 2015. On 11th May, 2015 the Petitioner preferred an application for extension of furlough. The said application was made within time. The application for extension of furlough was rejected, hence, this Petition. By this

Petition the Petitioner has sought extension of furlough from 20th May, 2015 to 2nd June, 2015.

3. The Petitioner had sought extension of furlough on the ground of his own illness. It is seen that the Petitioner is 62 years of age. The application of the Petitioner for extension was rejected on the ground that the illness was not found to be serious. However, it is not disputed that the Petitioner had a medical problem. Looking to this fact and the jail record of the Petitioner, which shows that he was released on furlough on seven occasions and on all occasions he has reported back to prison in time, on humanitarian ground we are inclined to extend furlough period by 14 days ie., from 20th May, 2015 to 2nd June, 2015.

4. Any prison imprisonment imposed on account of the overstay is set aside. Security deposit, if forfeited, be returned back to the Petitioner.

5. Rule is made absolute in above terms.

6. Office to communicate this order to the Petitioner who is in Kolhapur Central Prison, Kalamba, Kolhapur.

(M.S. KARNIK, J.)

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