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

**CRIMINAL WRIT PETITION NO.442 OF 2017
(THROUGH JAIL)**

Shivaji Kisan Gadugale

Age - 52 years,

Presently lodged at - C/626,

Yerwada Open District Prison,

Class - I, Pune - 411 006.

...Petitioner

Versus

1. The State of Maharashtra

2. The Deputy Inspector General (Prisons),
Western Region,

Yerwada, Pune - 6.

...Respondents

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

Ms.G.P.Mulekar, A.P.P for the Respondent-State

**CORAM : SMT.V.K.TAHILRAMANI &
REVATI MOHITE DERE, JJ.**

DATE : 15th FEBRUARY, 2017

ORAL JUDGMENT (Per Smt. V. K. Tahiramani, J.) :

1. Heard both sides.

2. The petitioner had preferred an application for

furlough, which came to be granted. Pursuant to the said order granting furlough, the petitioner was released on furlough on 7th February, 2015, for a period of 14 days i.e. from 7th February, 2015 to 20th February, 2015. Thereafter, on 11th February, 2015, the petitioner preferred an application for extension of furlough for a further period of 14 days i.e. from 21st February, 2015 to 6th March, 2015. The said application came to be rejected by order dated 26th April, 2016, hence this petition.

3. The petitioner had sought extension of furlough on the ground that he wanted to complete the construction of his house. The rejection order shows that the reason given by the petitioner that he wanted to complete the construction of his house is found to be true. However, on account of the fact that he did not attend the police station for a few days, the application for extension of furlough came to be rejected.

4. It is seen that after the extended period of 14 days, which was sought was over, the petitioner surrendered back to the prison on his own. As stated earlier, the rejection order

shows that the reason stated by the petitioner was found to be true. The conduct of the petitioner in prison is good. The petitioner was not communicated the rejection order before 6th March, 2015, otherwise he may have surrendered. The petitioner must have thought that extension would be granted, hence, as soon as the extended period of 14 days was over, he reported back to prison.

5. Looking to all these facts on humanitarian ground, we are inclined to extend the period of furlough from 21st February, 2015 to 6th March, 2015. Any prison punishment imposed on account of overstay is set aside. If deposit is forfeited, the same be returned to the petitioner.

6. Rule is made absolute in above terms. Petition is disposed of accordingly.

7. Office to communicate this order to the petitioner, who is in Yerwada Open District Prison, Pune.

(REVATI MOHITE DERE, J.)

(V.K.TAHILRAMANI, J.)