nsc.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 446 OF 2017

Kishor Shamji Maheria
Age – 42 years,
Presently lodged At-C/566,
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

Ms. Rohini M. Dandekar, Advocate appointed for the Petitioner.

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

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

DATE : 23rd FEBRUARY, 2017

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

1. Heard both sides.

2. The petitioner preferred an application for furlough, which was granted and the petitioner was released on furlough from 19th April, 2015 to 2nd May, 2015. On 24th April, 2015, the petitioner preferred an application for extension of furlough on the ground of illness of his mother. The said application came to be rejected, hence this petition.

3. The petitioner preferred an application for extension of furlough on 24th April, 2015. Admittedly the said application for extension of furlough was made within time. It is also an admitted fact that as soon as the extended period of 14 days was over, the petitioner surrendered back to the prison on his own on 17th May, 2015. On going through the order of rejection, it is seen that the genuineness of the medical certificate produced by the petitioner in relation to the illness of his mother is not doubted. Thus, it is admitted that the mother of the petitioner was suffering from medical problem, however the same was not found serious enough to extend the furlough. The medical certificate of the mother of the petitioner shows that she was suffering from acute anemia as well as back strain and

she was advised complete bed rest for 20 to 25 days for complete recovery. However, the order of rejection shows that the mother of the petitioner was suffering from low blood pressure and diabetes as well as anemia. There is no reference to the back problem of the mother of the petitioner or that she was advised bed rest on account of the problem in the back. It is further seen that the petitioner while he was on furlough has complied with all the terms and conditions on which he was released on furlough. He was also regularly attending the police station, as per the condition imposed on him.

4. Looking to all these facts on humanitarian ground, we are inclined to extend the period of furlough for a period of 14 days i.e. from 3rd May, 2015 to 16th May, 2015. Any prison punishment imposed on account of overstay is set aside. If security deposit is forfeited, the same be returned to the petitioner.

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

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

(REVATI MOHITE DERE, J.) **(V. K. TAHILRAMANI, J.)**