

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1397 OF 2017

Sandeep Balaram Gondhali	..Petitioner
Vs.	
The State of Maharashtra	.. Respondent

Ms.Rohini M. Dandekar, for the Petitioner.
Mrs.G.P. Mulekar, APP for State.

**CORAM : SMT. V.K.TAHILRAMANI &
M.S.KARNIK, JJ.**

04th MAY, 2017

ORAL JUDGMENT (PER SMT. V.K.TAHILRAMANI):

1. Heard both sides.
2. The petitioner preferred an application for furlough. The said application was granted. Pursuant to the said application, petitioner was released on furlough on 12/08/2015 to 26/08/2015 i.e. for a period of 14 days. Thereafter the petitioner preferred an application for extension of furlough on 17/08/2015 seeking extension of 14 days i.e. from 27/08/2015 to 10/09/2015. The said application came to be rejected on

06/08/2016. Hence, this Petition.

3. It is an admitted fact that the application for extension was made within time. It is further an admitted fact that till the petitioner surrendered, the order of rejection was not communicated to him. As soon as extended period of 14 days was over, the petitioner surrendered on his own at prison on 11/09/2015. Learned Counsel for the petitioner submitted that if the petitioner had been informed of his rejection, he would have immediately surrendered back to the prison. She further submitted the reason that the petitioner sought extension was that he himself was unwell and he was suffering from viral fever.

4. It is not controverted that the petitioner was suffering from viral fever as mentioned in medical certificate. However, his application came to be rejected only on the ground that the petitioner was being treated on OPD basis and illness was not so serious that the petitioner could not report back to

the prison and take medical treatment in prison. Looking to the fact that it is not controverted that petitioner was indeed unwell and looking to the fact that the petitioner himself had surrendered back to the prison on his own as soon as 14 days period was over and looking to the fact that his conduct in prison has been good, we extend period of furlough by a period of 14 days i.e. from 27/08/2015 to 10/09/2015. Any prison punishment imposed on account of overstay is set aside. The security deposit if forfeited be returned back to the petitioner.

5. Rule is made absolute in the above terms. Office to communicate this order to the petitioner who is in Kolhapur Central prison, Kalamba.

(M.S.KARNIK, J.)

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