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WP-1685-2017 (sr.40)
Monday, 17.7.2017

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1685 OF 2017

Vishwas Nathu Sase

.....Petitioner

V/s.

The State of Maharashtra

.....Respondent

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

Ms. M.H. Mhatre, APP for respondent, State.

CORAM :- SMT. V.K. TAHILRAMANI, &

SANDEEP K. SHINDE, JJ.

DATE :- 17th JULY, 2017.

ORAL ORDER (Per :- SMT. V.K. TAHILRAMANI, J)

1. Heard Learned Advocate for the petitioner and Learned APP for the State.

2. The petitioner preferred an application for

furlough on 11th November, 2014. The said application was granted by order dated 4th June, 2015. Pursuant thereto, the petitioner was released on furlough on 18th June, 2015 for a period of 14 days. On 23rd June, 2015 the petitioner preferred an application for extension of furlough for a further period of 14 days i.e. from 3rd July, 2015 to 17th July, 2015. The said application was rejected on 6th August, 2016. Meanwhile, the petitioner surrendered on 18th July, 2015.

3. The petitioner had sought extension of furlough on the ground of illness of his wife. Reliance was placed on Medical Certificate dated 22nd June, 2015. The application of the petitioner for extension of furlough came to be rejected on the ground that there was overwriting at many places in the Medical Certificate relied upon by the petitioner to show that his wife was ill, hence, he was seeking extension of furlough.

4. The order of rejection shows that, in the

Medical Certificate the date was originally 2nd June, 2015 which was made 22nd June, 2015. In addition, the date of starting of treatment of the wife of the petitioner was 2nd June, 2015 which was changed to 3rd July, 2015. The Doctor who issued the Certificate stated that whenever he makes any corrections, he signed against the same, but no signature is found on the Medical Certificate next to the corrections. The Doctor who issued the Certificate has stated before the police that, he had not made any changes in the Medical Certificate relied upon by the petitioner. In view of this fact, the authorities came to the conclusion that the Medical Certificate was not genuine and the wife of the petitioner was not serious enough to grant extension of furlough. Looking to the Medical Certificate and reasons cited by the Authority for rejecting the application, we cannot find any error in the same. The petition is rejected. Rule is discharged.