IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2030 OF 2017

Takku Singh .....Petitioner
V/s.
The State & Anr. .....Respondents

Ms. Harjeet Kaur Bhagwant Singh , Advocate for Petitioner.
Ms. M.H.Mhatre, APP for Respondent-State.

CORAM : SMT. V.K. TAHILRAMANI, &
SANDEEP K. SHINDE, JJ.

DATE : July 6, 2017.

ORAL JUDGMENT : [Per Smt. V.K.TAHILRAMANI, J.]

Heard both sides.

2 Petitioner preferred an application for furlough on 9.10.2016. The said application was rejected by order dated 10.1.2017. Being aggrieved thereby, petitioner preferred an appeal. Appeal came to be rejected by order dated 15.4.2017, hence, this petition.

3 The application of the petitioner for furlough

came to be rejected on the ground that in the year 2004 when the petitioner was released on furlough, he did not report back to the prison in time and the petitioner was arrested by police and brought back to prison. On this occasion, there was over stay of 93 days. Second ground on which the application of the petitioner for furlough came to be rejected was that in 2010 when the petitioner was released on furlough, he did not report back to the prison in time and there was over stay of 179 days.

4 As far as the first ground is concerned, it is seen that over stay was in the year 2004 when the petitioner was arrested by the police and brought back to the prison. However, jail record of the petitioner shows that on 23.10.2008, he was released on furlough for 14 days and he reported back to the prison on due date on his own. Thereafter, petitioner was released on furlough on 28.4.2009 for a period of 14 days and the petitioner reported back to the prison on due date on his own. Thereafter, the petitioner was released on furlough on 2.12.2009 for a period of 14 days. On this occasion also,

petitioner reported back to the prison on his own on due date. Thus, it is seen that as far as over stay in the year 2004 is concerned, it is no longer good ground because thereafter on 3 occasions when the petitioner was released on furlough, he reported back to the prison on due date on his own.

5 The second ground for rejecting the furlough application is that in the year 2010 when the petitioner was released on furlough, he did not report back to the prison in time. It is seen that though there was over stay on the part of the petitioner, petitioner reported back to the prison on his own and it is not the case that the petitioner was arrested by the police and brought back to the prison. It is seen that after 2010, the petitioner has not been released on furlough by the authorities.

6 The petitioner has already undergone actual imprisonment of almost 14 and half years. The learned APP on instructions states that conduct of the petitioner in prison is satisfactory. Looking to the record of the

petitioner, we are of the opinion that one chance may be given to the petitioner and he be released on furlough, hence, the following order is passed:

(I) Petitioner be released on furlough on the usual terms and conditions as set out by the jail authorities.

7 Rule is made absolute in the above terms.

(SANDEEP K. SHINDE, J) **(SMT. V.K. TAHILRAMANI, J)**