

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2384 OF 2017

Mr. Digambar Rangrao Girigosavi
Kolhapur Central Prison,
(C-5645)

...Petitioner

V/s.

Sub-Divisional Police Officer
and Ors.

....Respondents

Mr. Prosper D'souza, Advocate appointed for the
petitioner.

Mr. H.J. Dedhia, APP for respondent, State.

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

SANDEEP K. SHINDE, JJ.

DATE :- 27TH JULY, 2017.

ORAL JUDGMENT (PER :- SMT. V.K. TAHILRAMANI, J) :

1. Heard both sides.
2. The petitioner preferred an application for

furlough on 25th July, 2016. The said application was rejected by order dated 5th January, 2017. Being aggrieved thereby, the petitioner preferred an Appeal. The Appeal was dismissed by order dated 31st March, 2017. Hence, this petition.

3. The application of the petitioner for furlough came to be rejected on the ground that in 2015 when the petitioner was released on furlough, he reported back to the prison 13 days after the due date. There was overstay on the part of the petitioner of 13 days. The second ground on which the application of the petitioner for furlough came to be rejected is that in the year 2015 when he was released on parole there was overstay on his part of 35 days.

4. As far as the first ground is concerned, it is seen that this Court by order dated 1st February, 2017 in Writ Petition No. 193 of 2017 preferred by the petitioner, extended the earlier period of furlough. Thus, it cannot

be said that on the first occasion that, there was overstay of 13 days on the part of the petitioner. Thus, this ground has no substance.

5. As far as the second ground for rejection of the application of the petitioner for furlough is concerned, the ground stated is that there was delay of 35 days on the part of the petitioner in reporting back to the prison when he was released in the year 2015. No doubt, there was delay of 35 days in reporting back to the prison. However, it is seen that, it is not a case where the petitioner had absconded and the police traced him and arrested him and brought him back to the prison but he has reported back to the prison on his own. The jail record of the petitioner shows that, his conduct in the prison is satisfactory. In view of these facts, we are inclined to grant furlough to the petitioner for a period of 14 days. As the application of the petitioner is dated 25th July, 2017 i.e. prior to the Notification dated 26th August, 2016 wherein the furlough period has been extended to 28 days, the earlier rule

would apply to the petitioner. Hence, he is being released on furlough for 14 days. The petitioner to be released on furlough for a period of 14 days on the usual terms and conditions as set out by the competent authorities. Rule is made absolute in above terms.

6. Office to communicate this order to the petitioner who is in Kolhapur Central Prison.

(SANDEEP K. SHINDE, J)

(SMT. V.K. TAHILRAMANI, J)