

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2498 OF 2017

Sachin Babulal Suryawanshi (Through Jail) Petitioner

Versus

The Inspector General and Anr. Respondents

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

Mrs. G.P. Mulekar, A.P.P., for the Respondent-State.

**CORAM : SMT. V.K. TAHILRAMANI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.**

DATE : 23RD AUGUST, 2017.

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

1. Heard both sides.
2. The Petitioner preferred an application for furlough on 31st May 2016. The said application was rejected by order dated 9th December 2016. Being aggrieved thereby, the Petitioner preferred an Appeal. The said Appeal was dismissed by order dated 18th March 2017. Hence, this Petition.
3. The application of the Petitioner for furlough came to be rejected on the ground that, when he was convicted by the Sessions

Court, at that time, he gave a threat to the Complainant that when he comes out, he will take revenge. In addition, the application of the Petitioner for furlough was rejected on the ground that, in the year 2013, the Petitioner contacted the Complainant and threatened him on two occasions. The Complainant has lodged N.C. on both the occasions. However, the Jail record of the Petitioner shows that thereafter, in the year 2014, i.e. on 6th March 2014, and in the year 2015, i.e. on 3rd November 2015, the Petitioner was released on furlough and on both the occasions, he reported back on the due date to the prison. During the time he was released on furlough in the years 2014 and 2015, there was no complaint by the Complainant or any other person against the Petitioner.

4. In this view of the matter, we are inclined to release the Petitioner on furlough. The Petitioner to be released on furlough on the usual terms and conditions, as set out by the Competent Authority.

5. Writ Petition is allowed. Rule is made absolute in the above terms.

6. Office to communicate this order to the Petitioner, who is in Kolhapur Central Prison, Kalamba, Kolhapur.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [SMT. V.K. TAHILRAMANI, J.]