

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2500 OF 2017

Mahendra @ Waghya Arun WaghmarePetitioner

V/s.

The State of MaharashtraRespondent

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

Mrs. G.P. Mulekar, APP for respondent, State.

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

SANDEEP K. SHINDE, JJ.

DATE :- 2ND AUGUST, 2017.

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

1. Heard both the sides.
2. The petitioner preferred an application for furlough on 9th April, 2015. The said application was granted on 17th June, 2015. Pursuant thereto, the petitioner was released on furlough on 4th July, 2015 for a period of 14 days. On 11th July, 2015 the petitioner

preferred an application for extension of furlough on the ground that his father is ill. The said application came to be rejected as there was nothing to show that the father of the petitioner was admitted in the hospital.

3. It is to be noted that the petitioner surrendered back to the prison, as soon as, the extended period of furlough that he sought, was over. He surrendered back to the prison on his own on 2nd August, 2015. The application for extension of furlough came to be rejected on 1st December, 2015. The petitioner after preferring an application for extension of furlough was of the opinion that, his application would be granted. Hence, when he did not receive any reply even though 14 days had expired, as soon as, 14 days period was over, he reported back to the prison on his own. Looking to the fact that, the petitioner reported back to the prison on his own, as soon as, 14 days period was over and to the fact that his conduct in the prison is stated to be good and looking to the other facts and circumstances of the case and the Medical Certificate of the father of the petitioner on

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humanitarian grounds, we are inclined to extend the period of parole by a period of 14 days. Rule is made absolute in above terms.

4. Any prison punishment imposed on account of overstay during this period is set aside.

(SANDEEP K. SHINDE, J)

(SMT. V.K. TAHILRAMANI, J)