

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4371 OF 2016
(THROUGH JAIL)**

Kushal Chandrakant Chavan	...Petitioner
Versus	
The State of Maharashtra	...Respondent

Mrs. Nasreen S. K. Ayubi, appointed Advocate for the Petitioner

Mr. H. J. Dedia, A.P.P for the Respondent-State

**CORAM : SMT. V. K. TAHILRAMANI &
REVATI MOHITE DERE, JJ.
TUESDAY, 7th FEBRUARY, 2017**

ORAL JUDGMENT (Per Smt. V. K. Tahirramani, J.) :

1. Heard both sides.

2. The petitioner preferred an application for furlough on 10th June, 2016. The said application was rejected by order dated 20th June, 2016. Being aggrieved thereby, petitioner preferred an appeal. The said appeal was dismissed by order dated 2nd November, 2016. Hence, this petition.

3. The application of the petitioner for furlough came to be rejected mainly on the ground that on 12th November, 2012,

the petitioner was released on furlough for a period of 14 days. The said period was extended by a further period of 14 days. However, the petitioner did not report back to the prison after 28 days and the petitioner absconded. Ultimately, the petitioner had to be traced and arrested by the police and brought back to the prison. There was delay of 601 days in reporting back to the prison.

4. In this view of the matter, it was apprehended by the Authorities that if the petitioner is released on furlough, he will abscond and not report back to the prison in time. Looking to the conduct of the petitioner, it cannot be said that the apprehension is unfounded. In addition, it is seen that the petitioner is convicted under Section 364A of the Indian Penal Code. In view of the Notification dated 23rd February, 2012, prisoners who are convicted for kidnapping are not entitled to be released on furlough.

5. In view of the above facts, we are not inclined to interfere. Rule is discharged.

(REVATI MOHITE DERE, J.)

(V. K. TAHILRAMANI, J.)