

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 952/2016.

Altaf Hussain Khawaja Gulam Abbas

-VERSUS-

The State of Maharashtra and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
& V.M. DESHPANDE, JJ.

DATE : APRIL 05, 2017.

Heard Mrs. A.A. Ghonge, learned Counsel
(appointed) for the petitioner and Shri M.J. Khan,
learned A.P.P. for respondents.

2. Perused reply. Furlough leave has been
rejected on 10.10.2016 on the ground that petitioner
has on two occasions reported late.

3. Learned counsel for petitioner points out
that in addition, adverse police report has been looked
into. Perusal of the police report reveals an
apprehension expressed by the witnesses about their
life.

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4. Learned A.P.P. is supporting the order. He points out that the Appellate Authority has also endorsed the said finding.

5. The fact that petitioner was released earlier and there is no complaint of any wrong or other similar act, by any of the witnesses, assumes importance. In this background adverse police report cannot be looked into in this situation.

6. On two occasions, mentioned in paragraph no.4 of the reply, though petitioner has not surrendered on due date, on first occasion he has surrendered late by one day. While on other occasion, he has surrendered himself late by 62 days. Respondents have not pointed out any prison punishment inflicted upon him for such late reporting. Hence, mere late reporting of petitioner cannot be a ground for rejecting furlough leave.

7. Hence, we direct the respondents to release the petitioner within a period of three weeks on furlough leave, after obtaining necessary bond and undertaking from the petitioner and his sureties, in accordance with law.

8. Writ Petition is accordingly allowed and

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disposed of. No costs.

9. Fees payable to the learned counsel appointed for the petitioner is quantified at Rs. 1500/-.

JUDGE

JUDGE

Rgd.