

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.759 OF 2018

Dada Tukaram Mane

...Petitioner

vs.

The State of Maharashtra

...Respondent

Ms. Saswati Deb (Appointed) for the petitioner.

Mr. Arfan Sait, APP for the Respondent.

Mr. N. M. Kamble, Jailor, Yerwada Central Prison, Pune

**CORAM : B. P. DHARMADHIKARI &
MRS. SWAPNA S. JOSHI, JJ.
DATE : 10/07/2019.**

P.C.:

. Heard learned counsel (appointed) for the petitioner and learned APP. Perused papers. Nominal roll tendered by learned APP is taken on record and marked Exhibit "A".

2. Facts do show that the petitioner prisoner is in jail from 9/12/2000 and he was released on parole leave on 11/8/2007. He was required to be arrested and brought back on 15/6/2015. Thus, he was absconding for about 2803 days.

3. He was also released prior thereto on 28/2/2004 on furlough and he has reported back after delay of one day voluntarily on 15/3/2004. While mentioning this earlier release date 28/2/2004 has been inadvertently typed as "28/2/2014, thereby giving an impression that after his release on parole on 11/8/2007 he was again given furlough leave. The error in typing is apparent since periods overlap.

4. After absconding for 2803 days punishment of removal of name permanently from remission register has been inflicted upon the petitioner. It is obvious that he must have even given some explanation and it must have been looked into by the Competent authority. Those details are not available with learned counsel for the petitioner and learned APP.

5. After June 2015 prisoner has put in 5 more years and he has not been released either on parole or furlough. His prison record appears to be satisfactory.

6. In this situation, whether absence of 2803 days was on account of reasons beyond his control or not is a mute question.

7. We are therefore inclined to give the petitioner an opportunity to apply afresh for furlough. If such application is preferred within 4 weeks from today, the Authority shall take decision upon it, in the light of observations made supra, expeditiously within next 4 weeks.

8. The petition is partly allowed and disposed of. No costs. Order be sent to the prisoner in jail.

(MRS. SWAPNA S. JOSHI, J.)

(B. P. DHARMADHIKARI, J.)