

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

CRIMINAL W.P. NO. 1383 OF 2019

Bansi Bhimrao Gaikwad

....Petitioner

vs.

The State of Maharashtra

....Respondent.

Adv.Rohini Boez for the Petitioner.

Mr. H.J.Dedhia, APP. for the State.

**CORAM : B.P.DHARMADHIKARI &
SMT. SWAPNA S. JOSHI, JJ.
DATE : 18th June, 2019**

PC :

1. Heard learned counsel (appointed) and learned APP. Furlough has been denied on the ground that when petitioner was released on parole on 2.3.2015, he was required to be arrested and brought back after the delay of about 66 days. For this late return punishment of remission cut of 333 days is already ordered.

2. The impugned order passed by competent authority on 20.2.2018 mentions this and also takes note of negative recommendation of Superintendent of Jail. In appeal, on 20.2.2018, the appellate authority has upheld this order.

3. Application sent by prisoner in his own handwriting to this court

shows that his mother expired on 29.7.2015, husband of his sister also died in accident and his wife needed to be operated.

4. Counsel (appointed) and learned APP do not have any instructions on these aspects. However, if the same be true, it may have some bearing on his late return. Question is whether while imposing maximum remission cut for late return in 2015, this explanation was furnished and whether these facts have been looked into by the authorities. Copy of order imposing remission cut is not available on record.

5. In this situation, without observing anything more, we direct the competent authority to reconsider the request for release on furlough and verify the facts and then pass a fresh order in accordance with law. A fresh order shall be passed within eight weeks after communication of this order to the competent authority.

6. This order be communicated to the prisoner in Jail.

7. Writ petition is accordingly disposed off.

(SMT. SWAPNA S. JOSHI, J.)

(B.P.DHARMADHIKARI, J.)