

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

WRIT PETITION NO.1942 OF 2018

Kishore Balkrishna Mhatre

...Petitioner

vs.

The State of Maharashtra

...Respondent

None for the Petitioner.

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

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

P.C.:

. Nobody for the petitioner. With the assistance of learned APP we have perused papers. Applicant was released earlier on parole on 12/9/2012 for 30 days. Period was extended by 60 days. He reported late by one day voluntarily. Thereafter he was released on parole on 21/2/2014 for 30 days and again was given extension for 60 days. He voluntarily reported back on 1/7/2014 i.e. after delay of 40 days.

2. On this ground his prayer for release on furlough leave was rejected on 18/12/2017 and appeal against it has been dismissed on 22/1/2018.

3. It appears that when he was out on leave earlier there was some domestic dispute with cousin sister which resulted in filing of police complaint. This police complaint was then withdrawn by that sister. Because of that complaint adverse police report has been submitted.

4. The domestic dispute could not have been seen as adverse in the present matter. The prisoner is in open jail and therefore his conduct appears to be satisfactory. We therefore quash and set aside the impugned order dated 18/12/2017 and the appellate order dated 22/1/2018. We direct the authorities to impose appropriate terms and conditions and to permit him to avail furlough leave in accordance with law.

5. The petition is partly allowed and disposed of. Order be communicated to the prisoner in jail.

(MRS. SWAPNA S. JOSHI, J.)

(B. P. DHARMADHIKARI, J.)