

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2625 OF 2019

Imtiyaz Ramzan Khan

... Petitioner

Vs.

The State of Maharashtra & Anr.

... Respondents

Shri Shashikant D. Chandak, advocate for the petitioner.

Shri J. P. Yagnik, APP for the respondent – State.

CORAM : B.P. DHARMADHIKARI AND
MRS. SWAPNA S. JOSHI, JJ.

DATE : 5th AUGUST 2019.

P.C. :

1. Petitioner had sought furlough leave on 18/05/2016 due to illness of his wife. This leave was sanctioned on 09/08/2016 for a period of 30 days. He sought extension on the ground of surgery of his wife on 21/09/2016 for a period from 08/10/2016 to 07/11/2016.
2. Extension came to be denied on 28/12/2016.
3. In this order dtd.28/12/2016, support is taken from Government Resolution dtd.26/08/2016, which does not permit original parole leave and extension for more than 45 days.
4. Thus, period beyond 45 days has been treated as overstay and for it cut in remission of 5 days for each day, i.e., $24 \times 5 = 120$ days, has been ordered.
5. The extension has been regulated by a Government Resolution,

which came into force after furlough leave was sanctioned. The reason for extension is not shown to be incorrect.

6. In this situation, we find that interest of justice can be met with by permitting petitioner extension for a period upto 07/11/2016, as applied for. If the petitioner has reported after 07/11/2016, the authorities shall examine the need to impose prison punishment in accordance with law.

7. Writ Petition is thus partly allowed and disposed of.

8. Order be communicated to prisoner in jail.

(MRS. SWAPNA S. JOSHI, J.)

(B.P. DHARMADHIKARI, J.)