

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2888 OF 2019

Bilal Bashid Shaikh ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. Abhineet Punge i/by Adv Swapnil Chopade for the petitioner.

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

CORAM : B.P. DHARMADHIKARI &
SANDEEP KASHINATH SHINDE, JJ.
DATE : SEPTEMBER 17, 2019

P.C.:

Heard learned counsel (appointed) and learned APP for the State. Perused the records.

2. Petitioner challenges rejection of furlough leave. Rejection is because of the fact of absconding. In 2009, he was released on furlough leave and he was required to be arrested and brought back on 16/09/2013 i.e. after the delay of 1660 days.

3. Counsel for the petitioner states that as father of the petitioner was suffering from cancer, petitioner could not report back on due date. Learned APP points out that these developments were never brought to the notice of the Jail Authorities by the petitioner. He further states that along with

the present petition, there is certificate issued on 31/12/2008 which shows that the mother of the petitioner was suffering from cancer and needed surgery.

4. During the hearing, our attention has been invited to the death certificate which shows that the father of the petitioner expired on 06/10/2013.

5. For the abscondance of about 1660 days, the prison punishment of permanent cut of in remission has been inflicted upon the petitioner. That punishment has not been assailed by him.

6. In this situation, in the present facts, we are not inclined to interfere in the matter. However, we grant petitioner leave to renew his request if the order imposing prison punishment upon him is either set aside or modified. Accordingly, petition is disposed of.

7. Order be communicated to the prisoner in jail.

(SANDEEP KASHINATH SHINDE, J.)

(B.P. DHARMADHIKARI, J.)