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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3293 OF 2019

Hanumant S/o Chandrakant Pawar	... Petitioner
Versus	
The State of Maharashtra and Ors.	... Respondents

Mr. Rupesh Jaiswal for the Petitioner.
Mr. Arfan Sait, APP for the Respondent - State.

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

DATE : 15th JULY, 2019.

P.C. :

1 The petitioner prisoner behind bar since 14th March 2008 has been later on convicted with life for offence under section 302 IPC. He has thus put in more than 11 years in jail and according to the learned counsel for the petitioner including remission total period is about 14 years.

2 Submission is only reason given for denying furlough is adverse Police report and the reason is arbitrary. The learned counsel adds that the petitioner is in open jail and his record is satisfactory.

3 The learned APP does not dispute the fact that the petitioner is in open jail. However he submits that because of threat to life and safety

of witnesses, the Police Authorities may have given adverse report. He is also seeking time to obtain further instructions.

4 We are not inclined to adjourn the matter. The petitioner has already put in more than 11 years of actual imprisonment. He was in jail throughout. The threat perception therefore does not appear to be genuine. The fact that he is in open prison also militates with adverse police report.

5 The impugned order appears to have been passed without considering the entire relevant material and all facts. We therefore quash and set aside the same. We direct the Respondent No.2 to pass fresh orders after communication of this order to him within four weeks. The Petition is accordingly partly allowed and disposed of.

(MRS. SWAPNA S. JOSHI, J.)

(B.P. DHARMADHIKARI, J.)