IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

935 CRIMINAL WRIT PETITION NO. 2017 OF 2019

Govind Kondiba Ghansavant,
Age : Major, Occ. Nil,
C-5707, Harsool Jail,
Aurangabad ... **PETITIONER**

VERSUS

1. The State of Maharashtra,
Through Police Station, Hatta,
Tq. Aundha Nagnath, Dist. Hingoli

2. Additional Police Commissioner,
Pune Dist. Pune ... **RESPONDENTS**

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Advocate for the Petitioner : Mr. M.M. Parghane
A.P.P for Respondent-State : Mrs. V. S. Chaudhary

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CORAM :T.V. NALAWADE AND
M. G. SEWLIKAR,JJ.
DATE : 30.01.2020.

ORAL JUDGMENT(Per T.V. NALWADE, J] :-

Rule. Rule made returnable forthwith. By consent heard both the sides for final disposal.

2. The present proceeding is filed to challenge the order passed on furlough leave application. Furlough leave application is rejected on the ground as below :-

(I) There is adverse police report.

(II) He may not turn up in time to jail, if he released on furlough leave.

(III) Superintendent of the Prison had not recommended for grant of furlough leave.

(IV) In the year 2007 when he was released on furlough leave, he turned up late by 1121 days.

(V) In the year 2012, when he was released on furlough leave, he was turned up late by 420 days.

(VI) And in the year 2015 when he was released on furlough leave, he was turned up late by 60 days.

3. One more ground is given that he had not paid the fine amount which was imposed upon him for the offences punishable under Section 394 of the Indian Penal Code. Today, learned counsel for the petitioner produced on record photo copies of the receipts of fine amount showing that the fine amount is deposited now. The aforesaid circumstances show that, even if he turned up late by 1121 days he was released in the year 2012 on furlough leave and lastly in the year 2015 he turned up late by 20 days and not 60 days as mentioned in the order. As around the period of five year is over, since last furlough leave granted to him, this Court holds that opportunity needs to be given to him to show that he has improved his conduct and he will turn up in time this time. The other grounds like adverse police report and the adverse report of the Jail Superintendent for aforesaid reasons cannot be sustained in law. Every time when prisoner turns up late the remission period is deducted as per rules in that regard. Due

to all these circumstances, this Court holds that one more opportunity needs to be given to him. In the result, following order :-

ORDER

(I) The petition is allowed.

(II) The order passed by the respodents is hereby quashed and set-aside. He is to be released on furlough leave on the terms and conditions which were imposed on him in the year 2015, when he was released on furlough leave. Rule made absolute in those terms.

(M.G.SEWLIKAR, J.) **(T.V. NALAWADE, J.)**

YSK/