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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL WRIT PETITION NO.330 OF 2021

Karan s/o Nandkumar Patil,
Age 40 years,
C-10669, Central Prison, Nagpur. **Petitioner.**

:: V E R S U S ::

1. State of Maharashtra, through
Superintendent of Central Prison, Nagpur.

2. Deputy Inspector General Of Prison, Nagpur. **Respondents.**

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Shri A.Y.Sharma, Counsel for the Petitioner.

Shri S.P.Deshpande, Addl.P.P. for Respondents/State.

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CORAM : **V.M.DESHPANDE, &
AMIT B.BORKAR, JJ.**

DATE : **JUNE 08, 2021**

ORAL JUDGMENT (Per : V.M.Deshpande, J.)

1. Heard learned counsel Shri A.Y.Sharma for the petitioner and learned Additional Public Prosecutor Shri S.P.Deshpande for respondents/State. **Rule.** Rule made returnable forthwith. Heard finally by consent of learned counsel for parties.

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2. This writ petition was filed for seeking extension of furlough leave for 21 days from 23.4.2021.

3. It is undisputed fact that on 25.3.2021 the petitioner was released on furlough leave by competent authority. The petitioner was required to be surrendered before jail authorities on 23.4.2021. Learned counsel for the petitioner submitted that on 19.4.2021 the petitioner was found to be Corona positive and in order to substantiate the said he invited our attention to medical certificate issued by the Primary Health Centre, Rahimatpur, District Satara. The said certificate is at **Annexure-B**. The said medical certificate shows that on 19.4.2021 the petitioner was tested Corona positive. Learned counsel further submitted that as per medical advice the petitioner was under home quarantine. He submitted that after the home quarantine period was over, he himself surrendered before jail authorities at Nagpur on 13.5.2021.

4. The respondents/State has filed its reply on 11.5.2021. Since the reply is filed prior to surrender by the petitioner, the said fact is not mentioned in the reply, however

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learned Additional Public Prosecutor for the State, on instructions, makes a solemn statement before this Court that on 13.5.2021 the applicant himself surrendered before the jail authorities and presently he is in custody.

5. The petitioner though was supposed to surrender on 23.4.2021, he could not surrender because of reason beyond his control and the fact that he was tested Corona positive and, therefore, it was but obvious that he has to observe home quarantine as directed by medical authorities and accordingly after the home quarantine period was over, he himself surrendered before the jail authorities. In this view of the matter, it is our considered view that the petitioner could not surrender himself on 23.4.2021 after expiry of his original furlough period is over.

6. In view of the above and in view of fact that the applicant could not surrender for the reasons beyond his control and subsequently on his own he himself surrendered before jail authorities, we allow this writ petition observing that earlier order granting furlough to the petitioner on 25.3.2021 is extended till

Judgment

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13.5.2021.

With this, the criminal writ petition is allowed and disposed of accordingly.

JUDGE

JUDGE

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