



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.388 OF 2025

Krushna Sanjay Sontakke,
Age 19 yrs., Occ. Education,
R/o Loni (Bk), Tq. Ardhapur,
Dist. Nanded.

... Petitioner

... Versus ...

- 1 The State of Maharashtra
Through it's Secretary,
Home Department,
Mantralaya, Mumbai – 400 032.
- 2 The Superintendent,
Harsool Open Prison,
Dist. Aurangabad.

... Respondents

...

Mrs. Sharda P. Chate, Advocate for petitioner

Mr. A.R. Kale, APP for respondent Nos.1 and 2

...

CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

RESERVED ON : 21st MARCH, 2025

PRONOUNCED ON : 28th MARCH, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present petition has been filed to direct respondent No.2 to decide petitioner's father's furlough leave to be extended by 30 days and to direct respondent No.2 to sanction further furlough leave of 30 days.

2 Petitioner's father Sanjay Digambar Sontakke is undergoing his sentence at Harsool Open Prison, Aurangabad. He was granted furlough leave on 17.02.2025. He met with an accident on 04.03.2025, where he has suffered fracture to his right leg. He was required to go under operation and implant has been inserted. He is now constantly dizzy. In the petition it is stated that he is admitted in hospital. As he needs to be in care, his furlough leave needs to be extended on humanitarian ground.

3 Learned APP has strong objection and it is stated that Discharge Summary which she has been given from Dr. Shankarrao Chavan Government Medical College and Hospital, Vishnupuri, Nanded shows that petitioner's father was admitted on 05.03.2025 and he has been discharged on 16.03.2025. It is only stated that he should report on 26.03.2025 for removal of stitching. Certainly, some restrictions are there on his physical activity.

4 It will not be out of place to mention here that the matter was mentioned and got circulated on 20.03.2025 by learned Advocate for petitioner and, therefore, matter was directed to be listed on 21.03.2025 and learned APP was directed to take instructions, thereupon the said Discharge Summary is provided to learned APP. Document has been attached by petitioner, but still in paragraph No.3 a statement is made that - “He is also admitted the hospital”. The stitches can be removed even by Medical Officer attached to prison and, therefore, that cannot be considered as the ground for extension of parole or furlough leave. However, to the utter surprise the learned Advocate for petitioner is now mentioning and submitting photo copy of Medical Case Record of Rural Hospital, Ardhapur stating that petitioner’s father has been admitted at 11.20 a.m. in that hospital on 20.03.2025. The mentioning was made by learned Advocate for petitioner around 11.30 a.m. and it cannot be the coincidence that at 11.20 a.m. the convict is again admitted in the hospital. Learned Advocate for petitioner tried to submit that there is swelling to the leg. Discharge Summary gives a picture that he has been discharged with plaster. There is every doubt for the admission of petitioner’s father in respect of second occasion i.e. on 20.03.2025. When petitioner’s father himself is not fair, there is no question of extension of his furlough leave on humanitarian ground. There was absolutely no necessity for him to get himself admitted within an hour after

the matter was mentioned by the Advocate. Hence, following order.

ORDER

- i) Writ Petition stands rejected.
- ii) Petitioner's father to surrender himself before the Jail Authorities, within three days i.e. till 5.00 p.m. of 01.04.2025.
- iii) In case of failure on the part of petitioner's father, the Jail Authorities are at liberty to take necessary action.
- iv) If he surrenders, then the Jail Authorities to provide the petitioner's father every medical facility that is required.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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