

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 502 OF 2017
(THROUGH JAIL)**

Vinod Kiran Mhaske	...Petitioner
Versus	
The State of Maharashtra	...Respondent

Ms. Rohini Dandekar, Advocate appointed for the Petitioner

Mrs. G. P. Mulekar, A.P.P for the Respondents-State

**CORAM : SMT. V. K. TAHILRAMANI &
REVATI MOHITE DERE, JJ.
TUESDAY, 28th FEBRUARY, 2017**

ORAL JUDGMENT (Per Smt. V. K. Tahilramani, J.) :

1. Heard both sides.

2. The petitioner preferred an application for furlough, which came to be granted by order dated 26th August, 2015. Pursuant to the said order, the petitioner was released on furlough for a period of 14 days from 24th September, 2015. The petitioner had to surrender on 7th August, 2015. However, in the meanwhile, the petitioner preferred an application for extension of furlough on 29th September, 2015. By the said application, he

sought extension of furlough by a period of 13 days. The said application came to be rejected by order dated 19th September, 2016. Hence, this petition.

3. Admittedly, the application of the petitioner for extension of furlough for a period of 13 days was made within time. As the petitioner did not receive any order on his application, he himself surrendered back to the prison on 21st October, 2015 i.e. after a period of 13 days. The reason for the late surrender was that the petitioner was suffering from viral hepatitis. The reason for rejecting the application was that the illness was not found to be serious enough to extend the period of furlough. However, the genuineness of the medical certificate that the petitioner was suffering from viral hepatitis, has not been doubted.

4. Looking to the fact that the petitioner was suffering from viral hepatitis and the fact that he has surrendered back to the prison on his own after 13 days, on humanitarian ground, we are inclined to extend the period of furlough by a period of 13

days. Any prison punishment imposed on account of the overstay, is set-aside. If security deposit is forfeited, the same be returned back to the petitioner.

5. Rule is made absolute in the above terms.

6. Office to communicate this order to the petitioner, who is in Kolhapur Central Prison, Kalamba.

(REVATI MOHITE DERE, J.)

(V. K. TAHILRAMANI, J.)