



ITEM NO.28

COURT NO.12

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 4703/2024

NIKHIL SHIVAJI GOLAIT

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

[ONLY I.A. NO.147782/2025 IN SLP(CRL)NO.17915/2024 IS LISTED UNDER
THIS ITEM.]

WITH

SLP(Cr1) No. 17915/2024 (II-C)

IA No. 147782/2025 - GRANT OF INTERIM RELIEF

Date : 25-06-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE K. VINOD CHANDRAN
(PARTIAL COURT WORKING DAYS BENCH)

For Appellant(s) : Mr. Siddharth Mridul, Sr. Adv.
Mr. Hemendra Jailiya, Adv.
Ms. Madhurima Mridul, Adv.
Mr. Minnatullah, Adv.
Mr. Milind Kumar, AOR

Mr. C. George Thomas, AOR

For Respondent(s) : Ms. Vrinda Bhandari, AOR

Mrs. Archana Pathak Dave, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Ms. Priyanka Terdal, Adv.
Ms. Harshita Choubey, Adv.
Mr. Jagdish Chandra, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Rajan Kumar Chourasia, Adv.

Mr. Aaditya Aniruddha Pande, AOR
Mr. Siddharth Dharmadhikari, Adv.
Mr. Shrirang B. Verma, Adv.

Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.

Mr. Sanchar Anand, Adv.
Mr. Apoorva Singhal, AOR
Mr. Aman Kumar Thakur, Adv.

UPON hearing the counsel the Court made the following
O R D E R

I.A. No. 147782/2025 in SLP(Crl) No. 17915/2024

We have heard Shri Siddharth Mridul, learned senior counsel for the petitioner, Mrs. Archana Pathak Dave, learned A.S.G. for the respondent(s)/State and Ms. Vrinda Bhandari, learned counsel for respondent No.2.

This interlocutory application has been filed by the petitioner seeking the relief of his release on furlough for a suitable period during the pendency of the related special leave petition.

Be it stated that the related SLP(Crl) No. 17915/2024 has been preferred by the petitioner against the order dated 25.11.2024 passed by the High Court of Delhi in W.P. (Crl.) No.1682/2023 [Sukhdev Yadav @ Pehalwan Vs. State (NCT of Delhi] whereby and whereunder prayer of the petitioner for grant of furlough was rejected.

Be it stated that petitioner was convicted by the Trial Court under Sections 302, 364 and 201 read with Section 34 of the Indian Penal Code, 1860 (IPC) and sentenced to undergo imprisonment for life.

In Criminal Appeal No.145/2012, the High Court passed judgment and order dated 06.02.2015 enhancing the sentence of the petitioner

to life imprisonment which shall be 20 years of actual imprisonment without consideration of remission and fine of Rs.10,000/-. This order of the High Court has been affirmed by this Court.

Learned senior counsel for the petitioner submits that petitioner had completed 20 years of actual imprisonment without consideration of remission on 09.03.2025. However, prior thereto the related Writ Petition, i.e., W.P. (Crl.) No.1682/2023 was filed before the High Court seeking furlough for a period of three weeks.

As noted above, by the impugned order dated 25.11.2024, the said prayer was rejected.

In the course of hearing of the main SLP, this Court permitted the petitioner to amend the Special Leave Petition incorporating the ground that petitioner's sentence would come to an end on undergoing 20 years of actual incarceration without remission.

In the hearing today, learned A.S.G very fairly submits that since it is a matter of furlough, Court may consider passing appropriate order. But, at the same time, the security of the informant should also be taken into consideration by the Court as she has already been offered security by the State because of the circumstances surrounding the case.

Learned counsel for respondent No.2 vehemently objects to the prayer of the petitioner. She submits that conduct of the petitioner leaves much to be desired and would not entitle him to any discretionary relief from the Court. In this connection, she has referred to an order dated 06.02.2025 passed by a learned

Judge of the High Court in W.P. (Crl.) No.1848/2020 whereby the learned Judge recused herself from hearing the matter observing that attempts have been made to influence the Court.

While such conduct is highly deplorable and condemnable, there is nothing on record to show whether any enquiry was conducted to find out who had indulged in such reprehensible activity. In the absence thereof, it would not be just and proper to deny relief to the petitioner on that count

After hearing learned counsel for the parties and taking an overall view of the matter, more particularly the factum that petitioner has completed 20 years of uninterrupted incarceration without remission, as ordered by the High Court which was affirmed by the Supreme Court, we are of the view that it is a fit case where petitioner deserves to be released on furlough at least for a limited duration. Of course, necessary conditions would have to be imposed on the petitioner so that liberty of furlough is not misused. That apart, safety and security of respondent Nos.2 and 3 are also required to be protected.

That being the position, we grant furlough to the petitioner for a period of three months from the date of release. Petitioner shall be produced before the learned Trial Court within a maximum period of seven days from today, whereafter the learned Trial Court shall release the petitioner on furlough on appropriate terms and conditions including concerning safety and security of respondent Nos.2 and 3.

The Interlocutory Application is disposed of.

List the matters before the Regular Bench on 29.07.2025, as already ordered.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(PREETI SAXENA)
COURT MASTER (NSH)