

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.509 OF 2015

Saeed Ahmed Sagir Ansari
C/187, Visapur District Open Prison,
Visapur, District Ahmednagar

... PETITIONER

VERSUS

The State of Maharashtra
through the Deputy Inspector General
of Police (Prisons), Western Region,
Yerwada, Pune.

... RESPONDENT

.....
Shri P.B. Kadam, Advocate for petitioner
Shri V.D. Godbharle, A.P.P. for respondent
.....

CORAM: S.S. SHINDE AND
 A.I.S. CHEEMA, JJ.

DATED: 16th June, 2015.

ORAL ORDER :

1. Heard. This petition is filed, being aggrieved by the refusal by the respondents/ authorities to grant extension of furlough leave. According to the counsel appearing for the petitioner, the petitioner was entitled for extension, however, same is wrongly refused contrary to the rules.

2. On the other hand, learned A.P.P. appearing for the State submits that, initially the respondents/ authorities passed the order on 13.5.2014, allowing the prayer of the petitioner to release him on furlough leave. Accordingly, as a matter of fact, he was released on 2.6.2014. He did apply for extension of furlough leave and accordingly the same was granted by order dated 7.6.2014 for the period 17.6.2014 till 30.6.2014. Thereafter, the petitioner again applied for furlough leave and same was granted. The learned A.P.P. further submits that, by order dated 10.11.2014, the petitioner's prayer for furlough leave was granted and he was released on 4.12.2014. The petitioner again applied for extension of furlough leave. However, same was denied in the light of provisions of Rule 13 of the Maharashtra Prisons (Bombay Furlough and Parole) Rules, 1959 as amended in the year 2003. According to the learned A.P.P., second extension of leave cannot be granted in one calendar year as per the provisions of the aforesaid rules.

3. We have considered the submissions of the counsel for the petitioner and learned A.P.P. for the State and perused the reply-affidavit filed by the respondents/ authorities. The provisions of Rule 13 of the Maharashtra Prisons (Bombay

Furlough and Parole) Rules, 1959 as amended in the year 2003 read thus :

"13. Notwithstanding anything contained in the foregoing rules, the Sanctioning Authority may determine the extension of furlough leave shall be granted for only 14 days only once in a calendar year and no further extension shall be granted to prisoner on the same conditions."

4. We find considerable force in the arguments of the learned A.P.P. that, having been granted extension for furlough leave from 17.6.2014 in same calendar year, further extension could not have been granted under the relevant provisions of Rule 13, which is quoted hereinabove. In that view of the matter, we do not find any substance in the petition. The petition stands rejected.

(A.I.S. CHEEMA, J.)

(S.S. SHINDE, J.)