

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3145 OF 2013

ALONG WITH

CRIMINAL APPLICATION NO.590 OF 2014

IN

CRIMINAL WRIT PETITION NO.3145 OF 2013

Aakram Khalil Ahmed Inamdar
(Through Jail)

.... Petitioner/Applicant

Versus

The State of Maharashtra

.... Respondent

Ms. Nasreen Ayubi for the Petitioner / Applicant.

Mr. A.S. Shitole, A.P.P., for the Respondent-State.

CORAM : SMT. V.K. TAHILRAMANI, ACTING C.J. &
DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 22ND DECEMBER 2015.

P.C. :

1. The Petitioner / Applicant has preferred this Petition and Application through Jail. In the Writ Petition, Advocate Mr. Arfan Sait was appointed to represent the Petitioner. However, as he has been appointed as an Additional Public Prosecutor, he cannot now appear in the matter. Hence, we appoint Ms. Nasreen Ayubi, who is on the panel of Advocates of High Court Legal Services Committee, to represent the Petitioner in this Petition.

2. As far as Application is concerned, Advocate Mr. Kumar Sheel was appointed to represent the Applicant in the Application. However, he has not remained present. Hence, we appoint Ms. Nasreen Ayubi to represent the Applicant in the Application.

3. Heard both the sides.

4. Rule. Rule is made returnable forthwith, by consent.

5. The application preferred by the Petitioner for furlough came to be rejected. Being aggrieved thereby, the Petitioner has preferred Criminal Writ Petition No.3145 of 2013. In Application No.590 of 2014, the Applicant has stated that his Writ Petition No.3145 of 2013 is pending and he should be released on furlough on P.R. Bond.

6. It is seen that the Petitioner has preferred an application for furlough, which came to be rejected in the year 2013. Note (3) of Rule 2 in Chapter XXXVII of the Maharashtra Prison Manual 1979, which deals with furlough and parole, states that, "if at any time, a prisoner, who could have been granted furlough, is either not granted or is refused the same, the period for which he could have been granted the furlough shall not be carried forward but shall lapse".

7. In view of this Rule, it is clear that the period of furlough, which was being sought in the year 2013, cannot be carried forward to this year. In this view of the matter, it would be appropriate that the Petitioner prefers a fresh application for furlough. In case, Petitioner prefers a fresh application for furlough, the D.I.G. (Prisons), who is the concerned authority, shall decide the same expeditiously.

8. In view of the above, Rule is discharged. Petition is disposed of and the Application is also disposed of.

9. This order be communicated to the Petitioner / Applicant, who is in Kolhapur Central Prison, Kalamba, Kolhapur.

10. Fees be paid to the Appointed Advocate as per Rules.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [ACTING CHIEF JUSTICE]