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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINL APPELLATE JURISDICTION
WRIT PETITION NO.1246 OF 2015

Devidas @ Aba Laxman Savale-Patil ... Petitioner.
V/s.
The State of Maharashtra Respondent

Mr. A. G. Traskar, appointed advocate for the petitioner.
Mr. H. J. Dedia, APP for the Respondent-State.

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

DATE : 15th DECEMBER, 2015.

P.C. :

1. Heard both sides.
2. Rule.
3. Rule is made returnable forthwith.
4. The petitioner had applied for furlough leave on 24.1.2015.

The grievance of the petitioner is that he was not granted furlough leave.

Hence this petition.

5. Affidavit filed by Shri. Ramesh Kamble, Superintendent Nashik Road Central Prison, Nashik, shows that the petition was granted furlough leave for a period of 14 days on 1.7.2015 and he was to

surrender on 16.7.2015. The petitioner, then preferred an application dated 6.7.2015 for extension of furlough leave for further period of 14 days and the same was granted. Thus, the petitioner was to surrender on 30.7.2015 and the petitioner has accordingly surrendered before the jail authorities on 30th July, 2015.

6. As per relevant rules relating to parole and furlough under State Prison Manual, a convict can be released on furlough just once in a year if the convict has completed 7 years of actual imprisonment and the convict can be released on furlough, once in two years if he has not completed 7 years of actual imprisonment. The petitioner is in custody since year 2004, in which case the petitioner can be released on furlough once in a year. The petitioner has already been released on furlough in this year, hence it is not possible to release the petitioner again on furlough.

7. In this view of the matter rule is discharged.

8. The fees be paid to the appointed advocate as per rules.

[ACTING CHIEF JUSTICE.]

[DR. SHALINI PHANSALKAR-JOSHI, J.]

C E R T I F I C A T E

Certified to be true and correct copy of the original signed order.