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| Khanna Singh Ajit Singh Kalyani | .... | Petitioner  |
| <b><i>Versus</i></b>            |      |             |
| The State of Maharashtra & Ors. | .... | Respondents |

Mr. A.S. Shitole, A.P.P., for the Respondents/State.

**DATE : 22<sup>ND</sup> DECEMBER 2015.**

1. Heard both the sides.
2. Rule. Rule is made returnable forthwith.
3. The Petitioner had preferred an application for furlough in the year 2014. The said application for furlough came to be rejected. Being aggrieved thereby, the Petitioner preferred an Appeal. The said Appeal came to be dismissed by order dated 16<sup>th</sup> March 2015. Hence, this Petition.

4. It is seen that the Petitioner has preferred an application for furlough, which came to be rejected in the year 2014. 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”.

5. In view of this Rule, it is clear that the period of furlough, which was being sought in the year 2014, cannot be carried forward to the next 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.

6. In view of the above, Rule is discharged. Petition is disposed of.

7. This order be communicated to the Petitioner, who is in Yerawda Central Prison, Pune.

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