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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINL APPELLATE JURISDICTION
WRIT PETITION NO.2556 OF 2014.**

Atul Suryakant Kamble ... Petitioner.
V/s.
State of Maharashtra and ors Respondents

Mr. Pravin G. Sawant, for the petitioner.
Smt. V.R. Bhosale, 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. By consent rule is made returnable forthwith.
4. The petitioner had preferred an application for furlough on 29.10.2013. The said application came to be rejected. Being ggrieved, the petitioner preferred an appeal. The said appeal came to be dismissed by order dated 16.1.2014, hence this petition.
5. It is seen that the petitioner had preferred an application for furlough 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".

6. 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, the petitioner prefers a fresh application for furlough, the D.I.G. (Prisons) who is the concerned authority, shall decide the same within a period of 45 days from the date of such application. In case, the application is rejected and an appeal is preferred by the petitioner within one month of receipt of order, the same shall be decided within a period of two months from the date of such appeal.

7. Rule is discharged. Petition is disposed of accordingly in the above terms.

8. Fees be paid to the appointed advocate as per rules.

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

CERTIFICATE

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