

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

CRIMINAL WRIT PETITION NO.1120 OF 2016

Ajeet s/o. Chandrakant Rane,
Age-Major, Occ. Nil (in jain),
r/o.Nashik Road Central Jail,
Nashik ..Petitioner

Vs.

The State of Maharashtra,
through Home Ministry,
Mantralaya, Mumbai
and ors. ..Respondents

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Mr.R.K.Khandelwal, Advocate for petitioner

Mr.A.R.Borulkar, APP for respondents

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : OCTOBER 20, 2016**

PER COURT :

Heard the learned Counsel appearing for the petitioner and the learned A.P.P. appearing for the respondents. Perused the impugned order passed by the Inspector General of Prisons, Maharashtra State, Pune, thereby rejecting the prayer of the petitioner for grant of furlough.

2. The petitioner, who is convict in Sessions Case No.82 of 2007 registered for the offences punishable under Sections 3(4), [3(i)(ii)], 3(2), [3(i)(ii)] of the M.C.O.C. Act, 1999, is undergoing life imprisonment. The petitioner is also facing another Sessions Case under the M.C.O.C. Act.

3. The respondent/authority, after taking into consideration the record of the petitioner, came to the conclusion that since another case is pending against the petitioner under the M.C.O.C. Act, which is of a serious nature, it would not be proper to release him on furlough.

4. Rule 5 of Chapter XXXVII of the Maharashtra Prisons Manual, 1979, provides for grant of furlough to a prisoner. If the said Rule is considered, the respondent/authority appears to be justified in rejecting the prayer of the petitioner for grant of furlough.

5. It is not in dispute that the petitioner is an under-trial prisoner booked for the offences punishable under the M.C.O.C. Act, which shows the tendency of the prisoner towards commission of crimes. In that view of the matter, we do not think it appropriate to exercise the extraordinary jurisdiction of this Court, to interfere in the impugned order. Hence, the petition stands rejected.

6. Since Mr.Khandelwal, the learned Counsel is appointed as an amicus curiae to prosecute the cause of the petitioner, his fees be paid as per the schedule of fees maintained by the High Court Legal Services Sub-Committee, Aurangabad.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]