

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2059 OF 2015

Suresh Ganpat Pawar	...	Petitioner
vs.		
The State of Maharashtra	...	Respondent

None present for the petitioner.
Mrs. A.S.Pai, APP, for the State.

**CORAM: SMT. V.K.TAHILRAMANI,ACTING C.J. &
SMT. SADHANA S.JADHAV,J.
DATE : 5th January, 2016.**

ORAL ORDER (PER SMT. V.K.TAHILRAMANI,A.C.J.)

The petitioner has preferred this petition through jail. Hence, we appoint Advocate Ms. Rohini Dandekar, who is on the panel of the Advocates of the High Court Legal Services Committee, Bombay to represent the petitioner in this Petition.

2. Rule. Rule is made returnable forthwith.

3. The petitioner preferred an application for furlough, which is dated 9.8.2014. The said application came to be rejected. Hence, the petitioner preferred an appeal. The appeal also came to be dismissed.

Hence, this Petition.

4. It is seen that the petitioner had preferred an application for furlough in the year 2014. Note (3) of Rule (2) in Chapter XXXVII of the Maharashtra Prison Manual 1979 which deals with furlough and parole leave 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 the Rule quoted above, it is clear that the period of furlough, which was being sought in the year 2014, cannot be carried forward to the next year or in any succeeding 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 expeditiously.

6. In view of the above, Rule is discharged. The petition is disposed of accordingly in above terms.

7. Fees be paid to the appointed Advocate as per Rules.

[SMT.SADHANA S.JADHAV, J.]

[ACTING CHIEF JUSTICE]