

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1627 OF 2016

Ravi Shrichand Punjabi ... Petitioner

Vs.

The State of Maharashtra ... Respondent

Mr.N.N. Gawankar i/b Mr.Manas Gawankar for the Petitioner
Ms.A.S. Pai, APP, for Respondent – State

CORAM: **SMT. V.K. TAHILRAMANI &
MRS.MRIDULA BHATKAR, JJ.**

DATE: **JUNE 21, 2016**

P.C.:

1. Heard both sides.
2. Rule. By consent, Rule is made returnable forthwith.
3. The petitioner preferred an application for furlough on 27.4.2015. The said application came to be rejected by order dated 24.9.2015. Being aggrieved thereby, the petitioner preferred an appeal which came to be dismissed by order dated 29.1.2016. Hence, this petition.
4. We have perused both the orders dated 24.9.2015 and 29.1.2016. The order of rejection dated 24.9.2015 shows that the application of the petitioner was rejected in view of Rule 4(13) which is found in Chapter XXXVII of The Prisons (Bombay Furlough and Parole) Rules, 1959

whereas the appellate order shows that the application of the petitioner for furlough was rejected in view of Rule 4(4), 4(6), 4(11) and 4(18) of The Prisons (Bombay Furlough and Parole) Rules, 1959. Thus, it is seen that both the orders are totally discrepant and such orders cannot be allowed to stand.

5. In this view of the matter, we set aside the orders of rejection dated 24.9.2015 and the appellate order dismissing the appeal dated 29.1.2016. The DIG (Prisons) is directed to reconsider the application of the petitioner for furlough dated 27.4.2015. The same be done as expeditiously as possible.

6. Rule is made absolute in the above terms.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)