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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2055 OF 2014.

Jitendra Shantilal Modha Petitioner.
V/s.
The State of Maharashtra and ors Respondents

None present for the petitioner.
Mr. A.S. Shitole, APP for the Respondent-State.

CORAM : SMT. V. K. TAHILRAMANI, ACTING C.J. &
DR. SHALINI PHANSALKAR-JOSHI, J.
DATE : 9TH FEBRUARY 2016.

ORAL ORDER: [Per: Smt. V.K. Tahilramani, Acting CJ]

1. The petitioner has preferred this petition through jail, hence we appoint Ms. Rohini Dandekar, who is on the panel of High Court Legal Services Committee, to represent the petitioner in this petition.
2. Heard both sides.
3. Rule.
4. Rule is made returnable forthwith.
5. The case of the petitioner is that he preferred an application for furlough. As the petitioner is from Gujarat, a report was called from Gujarat Police. However, Gujarat police authorities did not submit report

for more than 3 ½ months. The grievance of the Petitioner is that respondent No.2 i.e. Deputy Inspector General, Pune, did not decide his furlough application though more than 13 months are passed. The record shows that furlough application of the petitioner could not be decided as the report was not received from Gujarat police in time. Hence there was delay in deciding the application for furlough preferred by the petitioner.

6. It is seen that now the application for furlough has been decided by the authorities and it is rejected by order dated 6.5.2014, there is remedy available to the petitioner of preferring appeal, hence the petitioner is relegated to the said remedy.

7. In view of above, rule is discharged.

8. This order be communicated to the petitioner in jail in which he is lodged at present.

9. Fees be paid to the appointed counsel as per rules.

[ACTING CHIEF JUSTICE.]

[DR. SHALINI PHANSALKAR-JOSHI, J.]