

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1854 OF 2016

Shahjad Ahamad Tashrif Khan

... Petitioner

Vs.

The State of Maharashtra

... Respondent

None for the Petitioner

Mrs.U.V. Kejriwal, APP, for Respondent – State

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

DATE: **JUNE 15, 2016**

P.C.:

1. Heard both sides.
2. Rule. By consent, Rule is made returnable forthwith.
3. The petitioner had preferred an application for furlough. The said application came to be granted and the petitioner was released on 22.9.2015 on furlough for a period of 21 days. The petitioner did not report back in time but he reported after 14 days. In the meanwhile, the petitioner preferred an application for extension of furlough for 14 days. However, he was granted extension of furlough by a period of 7 days. The petitioner is now seeking that the furlough period be extended by a further period of 7 days.

4. Rule 3 of Chapter XXXVII of The Prisons (Bombay Furlough and Parole) Rules, 1959 sets out when a prisoner may be granted furlough. These rules were amended by notification dated 1.12.2015. Earlier, the prisoner was granted furlough for 14 days and extension was granted upto a maximum period of 14 days. However, by notification dated 1.12.2015, when a prisoner is released on furlough, he is released for the period upto 21 days. Rule 3 of Chapter XXXVII of The Prisons (Bombay Furlough and Parole) Rules, 1959 sets out the period that a prisoner may be released on furlough. The Rule states that the prisoner can be released on furlough only for a maximum period of 28 days at a time.

5. In this view of the matter, when the petitioner was granted furlough of 21 days and extension of furlough by a period of 7 days, no further extension could be granted to the petitioner. Hence, no case is made out for interference. Rule is discharged.

6. Fees to be paid to the appointed advocate are quantified at Rs.2,000/-.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)