

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.323 OF 2015
IN
CRIMINAL WRIT PETITION NO.178 OF 2014**

Ganesh Hanumant Ghuge ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Ms Rohini Dandekar for the Applicant.

Mr. A.S. Shitole, APP for the Respondent -State.

**CORAM: SMT. V.K. TAHILRAMANI &
SMT. ANUJA PRABHUDESSAI, JJ**

DATED: 6th APRIL, 2016

PC:-

Heard both sides.

2. Grievance of the Applicant in this application is that he preferred an application for furlough on 24.5.2013. Said application was rejected on 20.9.2013. Thereafter the Applicant preferred another application for furlough. Said application came to granted. The Applicant is now seeking that he be released on furlough pursuant to his first application for furlough.

3. It is seen that the Applicant was convicted on 19.11.2011 mainly under section 302 IPC, in Sessions Case No.78

of 2008 arising out of C.R. No.100 of 2008 of Mhada Police Station, Solapur. The Petitioner preferred the application for furlough on 24.5.2013. Rule 3 of Chapter XXXVII of the Maharashtra Prison Manual states as under :-

“3. (1) A prisoner, who is sentenced to imprisonment for a period exceeding one year but not exceeding five years, may be released on furlough for a period of two weeks at a time for every year of actual imprisonment undergone.

(2) A prisoner, who is sentenced to imprisonment for a period exceeding five years may be released on furlough for a period of two weeks at a time of every two years of actual imprisonment undergone.

Provided that a prisoner sentenced to imprisonment for more than five years but not to imprisonment for life may be released on furlough every year instead of every two years during the last five years of his unexpired period of sentence:

Provided further that a prisoner sentenced to life imprisonment may be released on furlough every year instead of every two years after he completes seven years' actual imprisonment.”

4. From the above rule, it is clear that a prisoner, who is sentenced to life imprisonment can be released on furlough only if he has completed two years of actual imprisonment. As the date of conviction is 19.11.2011, on 24.5.2013 the Applicant had not completed two years of actual imprisonment. In this view of the matter no interference is called for. Hence, the application is rejected.

(SMT. ANUJA PRABHUDESSAI,J.) (SMT. V.K. TAHILRAMANI,J.)