

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL WRIT PETITION NO.4345 OF 2014

Sagar Prakash Mokar ... **Petitioner**
V/s.
The State of Maharashtra & Ors. ... **Respondents**

.....
Mrs.Nasreen S.K.Ayubi, Advocate for the Petitioner.
Mr.Arfa Sait, APP for the Respondent/State.
....

**CORAM : SMT.V.K.TAHILRAMANI &
A. M. BADAR JJ.**

DATED : 15th DECEMBER 2016.

ORAL JUDGMENT : (Per V.K.TAHILRAMANI J.)

1 Rule. By consent, rule is made returnable forthwith and the matter is heard finally.

2 The petitioner preferred an application for furlough on 06/07/2013. The said application was rejected by order dated 05/03/2014. Being aggrieved thereby, the petitioner preferred an appeal, which was dismissed by order dated 10/06/2016. Hence, this petition.

3 The application of the petitioner came to be rejected mainly on the ground that on 27/08/2012 with the

petitioner was released on parole for a period of 30 days there was overstay of 130 days on the part of the petitioner. Hence, it was apprehended that if the petitioner was released on furlough, he will not report back to the prison in time. Looking to the reason stated in the order rejecting the application of the petitioner for furlough, we are not inclined to interfere, more especially in view of the fact that as per Rule 9 of the Bombay Furlough and Parole Rule 1959, the petitioner after six months of rejection of his earlier application for furlough has preferred a fresh application for furlough on 13/10/2016, which is pending.

4 In view of the fact that a fresh application for furlough is pending, we are not inclined to interfere and the authority to decide the application expeditiously taking into consideration the recent conduct of the petitioner in prison as well as other facts and circumstances.

5 In view of above, Rule is discharged.

(A. M. BADAR J.) (SMT. V. K. TAHILRAMANI J.)