

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 218 OF 2017

Shri Ajay S/o Prabhakar Mainur
Age: Major, Occu. Nil,
R/o : Prisoner No. 4707, Open District
Prison Paithan, Tq. Paithan,
District Aurangabad.

...PETITIONER

versus

1. The State of Maharashtra
Through its Principal Secretary,
Home Department, Mantralaya,
Mumbai – 400 032.
2. The Inspector General of Prisons,
Maharashtra State, Pune – 1.
3. The Deputy Inspector General of Prisons,
Aurangabad Division, Aurangabad.
District Aurangabad.
4. The Superintendent,
Open District Prison,
Paithan, Tq. Paithan,
District Aurangabad

...RESPONDENTS

....
Mr. P.D. Dadpe, Advocate for petitioner
Mr. D.R. Kale, APP for Respondent – Authorities
....

**CORAM : S.S. SHINDE AND
K.K. SONAWANE, JJ.**

DATED : 3rd MARCH, 2017.

ORAL JUDGMENT :- (Per : S.S. Shinde, J.)

1. Heard learned counsel for the parties.

2. Rule. Rule made returnable forthwith. Heard finally, with the consent of the parties.

3. The point raised in this petition is, *no more res-integra* and covered by the pronouncements, in writ petition No. 1485 of 2013 (*Jagannath Raghunath Shelke Vs. The State of Maharashtra*) decided on 24th December, 2013, criminal writ petition No. 211 of 2014 (*Sayyed Shaukat Sayyed Kashim Vs. The state of Maharashtra and others*) decided on 2nd July, 2014 and criminal writ petition No. 1468 of 2015 (*Sahadev Kerappa Kale Vs State of Maharashtra*) decided on 21st December 2015.

3. In that view of the matter, in case the petitioner's prayer is not already considered and furlough or extended period of furlough leave is not included while counting the remissions, the respondent authorities to consider the same keeping in view the judgments referred hereinabove, and take appropriate decision at the time of considering the proposal for premature release of the petitioner.

4. With above observations, writ petition stands disposed of in above terms. Rule is made absolute accordingly. No order as to costs.

5. The parties to act upon authenticated copy of this order.

[K. K. SONAWANE, J.]

[S.S. SHINDE, J.]