

Rane

* 1/3 * WP-2682-2017 (sr.912)
Friday, 21.7.2017

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2682 OF 2017

Rahimtulla @ Papa Sayyad Ali
Shaikh, Age : 34 years, R/at :
Suparkana Appt. Room No.1 & 2,
Gr. Floor, Ashirwad Hospital,
Ulanchawl, Ambernath (West),
Dist.-Thane.

(At present lodged at Pune
Open Prison, Pune)

.....Petitioner

V/s.

1. The State of Maharashtra

2. The Inspector General of Prison,
Western Region, Yerwada, Pune.

3. The Superintendent,
Pune Open Prison, Pune

.....Respondents

Mr. D.G. Khamkar, Advocate for the petitioner.

Mr. H.J. Dedhia, APP for respondent, State.

CORAM :-

SMT. V.K. TAHILRAMANI, &

SANDEEP K. SHINDE, JJ.

DATE :-

21ST JULY, 2017.

ORAL JUDGMENT (PER :- SMT. V.K. TAHILRAMANI, J)

1. Heard both sides.

2. The petitioner preferred an application for furlough on the ground of marriage of his daughter. The said marriage is to take place on 26th July, 2017 at Jogeshwari, Mumbai. The said application came to be rejected by order dated 23rd March, 2017. Being aggrieved thereby, the petitioner preferred an Appeal which came to be dismissed.

3. The Learned APP states that, they had verified and found that infact the marriage of the daughter of the petitioner is to take place on 26th July, 2017 at Jogeshwari. We have gone through the jail records which show that the petitioner was released on furlough on 30th May, 2015 and he has reported back to the prison on the due date on his own. Thereafter, the petitioner was released on furlough on 28th April, 2016 and he has

reported back to the prison on the due date on his own. In addition, the petitioner was released on parole on 30th June, 2015 and he has reported back to the prison on the due date on his own. In addition, on 12th May, 2012 the petitioner was released on parole and he has reported back to the prison on his own, though one day late, for which he has been warned.

4. Looking to these facts and the conduct of the petitioner in jail, which is stated to be good, which is seen from the fact that at present he is in open jail, on humanitarian grounds, we are inclined to grant furlough to the petitioner. The petitioner be released on furlough on usual terms and conditions as set out by the Competent Authority.

5. Rule is made absolute in above terms.