

mm

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.3217 OF 2017

Indin @ Moiddin Sayyad Ali Shaikh ...Petitioner
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr. D.G.Khamkar, Advocate for the Petitioner
Mr. Arfan S. A.PP for the State

**CORAM : SMT. V.K. TAHILRAMANI, &
M.S. KARNIK, JJ.
DATED : 4TH OCTOBER, 2017**

JUDGMENT [PER SMT. V.K. TAHILRAMANI, J.]

1. Heard both sides.
2. The Petitioner preferred an application for furlough on 11th January, 2017. The said application was rejected by order dated 23rd March, 2017. Being aggrieved thereby the Petitioner preferred an appeal. The appeal was dismissed by order dated 9th June, 2017, hence this Petition.

3. The application of the Petitioner for furlough was rejected only on one ground that is the appeal preferred by the Petitioner is pending. However the appellate order makes no reference to this ground of rejection and the appeal has been dismissed on totally different grounds. The ground on which the application for furlough was rejected is not at all one of the grounds for dismissing the appeal. Both the orders are totally inconsistent with each other, in this view of the matter both the orders dated 23rd March, 2017 and 9th June 2017 are set aside. The application of the Petitioner for furlough be considered afresh by both the authorities within a period of 6 weeks from date of communication of this order.

4. Rule is made absolute in above terms.

(M.S. KARNIK, J.)

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