

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4078 OF 2017

Rajesh Aglesh Raman	.. Petitioner
Vs.	
State of Maharashtra and ors.	.. Respondents

Mrs.Harjeet Kaur Bhagwant Singh, for the Petitioner.
Mrs.G.P. Mulekar, APP for State.

**CORAM : SMT. V.K.TAHILRAMANI &
M.S.KARNIK, JJ.**

20th NOVEMBER, 2017

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

1. Heard both sides.
2. The petitioner preferred an application for furlough on 17/03/2016. The said application was granted by order dated 13/05/2016. The grievance of the petitioner is that though he was granted furlough by order dated 13/05/2016, the said order has not been implemented and he has not been released on furlough.

3. Learned APP pointed out that pursuant to the order dated 31/03/2016 passed by this Court in Criminal Writ Petition No. 498 of 2016 preferred by the present petitioner, this Court granted parole to the petitioner. Pursuant to the said order, the petitioner was released on parole from 27/04/2016 for a period of 30 days. The said period was extended. Thereafter on 27/06/2016, the petitioner reported back to the prison. Learned APP placed reliance on Rule 5 of the Prisons (Bombay Furlough and Parole) Rules, 1959 which is as under :

“5. Furlough not to be granted after return from parole. Ordinarily furlough shall not be granted to a prisoner within a period of six months from the date of his return from parole.”

4. Learned APP submitted that in view of this Rule, the petitioner could not have been released on furlough for 6 months from 27/06/2016. Hence, the petitioner has not been granted furlough and the order dated 13/05/2016 granting furlough to the petitioner has been stayed. She submitted that in the facts and circumstances of this case, the petitioner ought to prefer a fresh application for furlough which will be

considered in accordance with law.

5. The application of the petitioner for furlough dated 17/03/2016 has admittedly been granted by order dated 13/05/2016. No doubt order was kept in abeyance as period of 6 months had not elapsed from the date the petitioner returned back to the prison from parole. However, as furlough has been granted to the petitioner and the period of 6 months has already elapsed from the date the petitioner has returned back to the prison from parole, we are of the opinion that the said order should be implemented and pursuant to the said order, the petitioner should be released on furlough for a period of 28 days as stated in the order dated 13/05/2016. Accordingly, the petitioner to be released on furlough for a period of 28 days on terms and conditions as set out in the order dated 13/05/2016. Accordingly, Rule is made absolute.

(M.S.KARNIK, J.)

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