

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

CRIMINAL WRIT PETITION NO. 2488 OF 2018

Arjun Sakahari Bhagwat	...Petitioner
Versus	
The State of Maharashtra	...Respondent

Ms Rohini Dandekar - Advocate Appointed for Petitioner.
Mr. Arfan Sait - APP for the State.

**CORAM: SMT. V. K. TAHILRAMANI, Acting C. J. &
M. S. SONAK, J.**

DATE : 05 JULY 2018

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

1] Heard both the sides.

2] The case of the petitioner is that he preferred an application for furlough on 14th March 2006. According to him, his application was not decided, hence this petition.

3] The learned APP, on instructions, states that the application of the petitioner for furlough dated 14th March 2016 was allowed by order dated 22nd May 2018. He submits that the delay was because after receiving the application of the petitioner for furlough, as per the Rules,

the Authorities called for the police report.

4] The police report was received, which was adverse. As the police report was adverse, the petitioner requested that fresh enquiry be conducted by the police and fresh police report be called. Pursuant to the request of the petitioner, fresh police report was called. Fresh police report was received on 29th September 2017. Thereafter the application of the petitioner along with the police report was processed and the petitioner was released on furlough on 7th June 2018. Thus, it is seen that the delay was caused as the petitioner himself had requested for a fresh enquiry and a fresh police report, which request was acceded to by the Authorities. Thus, it cannot be said that the Authorities are responsible for the delay in deciding the application of the petitioner for furlough.

5] The petition has been preferred by the petitioner through jail on 12th March 2018. However, as stated earlier, the application of the petitioner for furlough was allowed by order dated 22nd May 2018. Pursuant to the said order dated 22nd May 2018, the petitioner was released

on furlough on 7th June 2018. The order dated 22nd May 2018 is taken on record and marked 'X' for identification.

6] In this view of the matter, this petition is infructuous hence, Rule is discharged.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

CHANDKA