

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

CRIMINAL WRIT PETITION NO.3589 OF 2018

Nilam
Santosh
Kamble

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by Nilam Santosh
Kamble
Date: 2018.08.29
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Kamal Sundardas Bathija

...Petitioner

Versus

The Chief Secretary & Ors.

...Respondents

Mr.Subhash Jha a/w Ms.Sanjana Pardeshi i/b Law Global Advocates
for the Petitioner.

Mr.F.R. Shaikh, APP for Respondent-State.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 27th AUGUST 2018

P.C.

1. Heard Mr.Jha, the learned counsel appearing for the
petitioner and Mr.Shaikh, learned APP for the Respondent-State.

2. The petition is filed for following relief :-

“(a) that this Hon'ble Court may be pleased to call for the report from the Respondent Nos.1 to 5 in connection with furlough sought by the Respondent No.6 on account of sickness of his wife Smt.Jyoti Suresh Kalani and after examining the legality, validity and/or propriety of such request in view of the notification dated 26.08.2016, being Exhibit-'D' annexed herewith, such request be

directed to be not considered and if a decision has already been taken to release the Respondent No.6 on furlough such decision may be quashed and set aside;

(b) pending the hearing and final disposal of this petition, this Hon'ble Court may be pleased to restrain the Respondent Nos.1 to 5 from releasing the Respondent No.6 on furlough on account of sickness of his wife Smt.Jyoti Suresh Kalani or for that matter any other reasons assigned in his application/representation made to the Respondent Nos.1 to 5 in view of the notification dated 26.08.2016, being Exhibit-'D' annexed herewith;

(c) pending the hearing and final disposal of this petition, in the event of the Respondent Nos.1 to 5 having already passed an order of releasing the Respondent No.6 on furlough on account of sickness of his wife Smt.Jyoti Suresh Kalani, this Hon'ble Court may be pleased to stay the same in view of the notification dated 26.08.2016, being Exhibit-'D' annexed herewith;

(d) interim and ad-interim relief in terms of prayer clauses (b) and (c) above be granted;"

3. Mr.Shaikh, learned APP placed on record the communication dated 25.08.2018 addressed by Superintendent of Yerwada Central Prison, Pune to the learned APP. The

communication shows that the Respondent No.6's application for parole is pending and the police report is awaited. The said communication is taken on record.

4. In the light of above, we find the present petition to be pre-mature and the same is liable to be disposed of. However, the petitioner is at liberty to approach this Court, in case the Respondent No.6 is granted parole leave and petitioner proposes to challenge the same.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)