

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

CRIMINAL WRIT PETITION NO. 5073 OF 2017

Faiyaz Ismail Petkar	...Petitioner
Versus	
The State of Maharashtra	...Respondent

Ms Nasreen S. K. Ayubi – Advocate appointed for Petitioner.
Ms G. P. Mulekar - APP for Respondent - State.

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

DATE : 27th FEBRUARY 2018

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

1] The petitioner preferred an application for furlough on 2nd December 2016. The said application was rejected by order dated 28th April 2017. Being aggrieved thereby, the petitioner preferred appeal which was dismissed on 8th September 2017. Hence, this petition.

2] The learned APP states that in fact, the petitioner has been released on parole on 15th February 2018 for a period of 30 days i.e. till 18th March 2018. The learned APP has also produced the nominal roll which shows that the petitioner was released on parole on 15th February 2018.

3] It is seen that the petitioner had preferred an application for furlough on 2nd December 2016. Note 3 of Rule 2 in Chapter XXVII of the Maharashtra Prison Manual 1979 which deals with furlough and parole states that 'if at any time a prisoner who could have been

granted furlough is either not granted or is refused the same, period for which he could have been granted the furlough, shall not be carried forward but shall lapse.'

4] In view of this rule, it is clear that the period of furlough which was being sought in the year 2016, cannot be carried forward to this year. As stated earlier, the petitioner is out of jail on parole leave. In this view of the matter, it would be appropriate that the petitioner prefers a fresh application for furlough. In case the petitioner prefers fresh application for furlough, DIG (Prisons) who is the concerned authority, shall decide the same expeditiously. In view of the above facts, no interference is called for. The petition is dismissed. Rule is discharged.

(M.S. SONAK, J.)

(ACTING CHIEF JUSTICE)

CHANDKA