

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

WRIT PETITION NO. 5220 OF 2017

Stive @ Lisbon John MirandaPetitioner
versus
The State of Maharashtra and ors.Respondents

Mr. N. N. Gawankar i/b. Mr. Manas N. Gawankar, advocate for the petitioner.

Mrs. Aruna S. Pai, APP for the State.

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

DATE : 24th AUGUST, 2018.

P. C. :

Heard Mr. Gawankar, learned counsel for the petitioner and Mrs.Pai, learned APP for the State.

2. By this petition, the petitioner is challenging the order dated 3rd November, 2017 passed by the respondent No.4, whereby the petitioner's application for furlough is rejected. One of the ground, on which, the application is rejected is that the petitioner is not entitled to furlough in view of the provisions of Rule 4(14) of the Prisons (Bombay Furlough and Parole) Rules, 1959.

3. The learned APP pointed out that in view of the notification dated 16th April, 2018, the said Rules have been superceded and as per the new Rules, the earlier Rule 4(14) is no longer in existence.

4. In the light of above, the impugned order cannot be sustained. We, accordingly, quash the same and remand the matter back to the respondent No.3 for fresh consideration of petitioner's application for furlough. The respondent No.3 shall take a decision on the petitioner's application as expeditiously as possible and, in any case, within a period of two weeks from the date of receipt of this order. The writ petition stands disposed of.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]