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IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL WRIT PETITION NO. 158/2018

(Santosh Manohar Chavhan VS The State of Maharashtra and another)

Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 of directions and Registrar's orders

Court's or Judge's order

Ms. S.D. Wankhede, Advocate for the petitioner

Mr. I.J.Damle, Additional Public Prosecutor for the respondents

**CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.**

DATED : 21st March, 2018.

Heard.

By this Writ Petition, the petitioner challenges the order of the Deputy Inspector General of Prisons, dated 19.1.2018 rejecting the furlough leave application of the petitioner.

The learned Additional Public Prosecutor has tendered an affidavit-in-reply of the respondent no.2 in the Court today. It is stated in the affidavit-in-reply that the petitioner was released on furlough leave on the last occasion on 16.10.2017 and he had surrendered on the due date on 14.11.2017. It is stated that as per the notification dated 1st December 2015, a prisoner would be eligible for furlough leave after completion of six months of actual imprisonment from the date of his return from earlier furlough leave. Since the petitioner appears to have surrendered to the prison authority on 14.11.2017 and six

months had not passed from the date of his surrender on 14.11.2017, the petitioner could not have applied for furlough leave.

In the aforesaid circumstances, since the petitioner would not be entitled for furlough leave in view of the notification dated 1st December, 2015, we dismiss the Writ Petition. Order accordingly.

JUDGE

JUDGE

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