

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1886 OF 2019

Ashok S/o Laxman Kalaskar (C-5155)
Open Prison, Paithan

.. **Petitioner**

Versus

1. The State of Maharashtra
Through D.I.G.
Prisons, Aurangabad.

2. The State of Maharashtra
Through Superintendent,
Open Prison Paithan

.. **Respondents**

...

Mr. Jaiswal Rupesh A., Advocate for Petitioner.
Mrs. V.S. Choudhari, APP for the respondent-state.

...

**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.
DATE : 12.12.2019**

ORAL JUDGMENT :-

Rule. Rule made returnable forthwith. By consent heard both the sides for final disposal.

2. The present proceeding is filed to challenge the order made by the respondentS dated 11.10.2019 by which furlough leave application of the petitioner-prisioner is rejected. The reason is given by the authority like

adverse police report. The submissions made and the record show that in the year 2016 when the petitioner was released on parole there was a quarrel and report was given by the informant of the matter in which the petitioner is convicted that the petitioner had given abuses and threats. Non cognizable case bearing no. 116 of 2016 was registered for the offence punishable under Section 504 and 506 of the I.P.C. at that time.

3. However, there is one development which is in favour of the petitioner that he came to be transferred to open prison in the year 2018.

4. Considering the purpose behind the purpose of furlough leave and the circumstance that due to the conduct of the petitioner he is now transferred to open prison this Court holds that the authority ought to have granted furlough leave in favour of the petitioner. Aforesaid reasons given cannot sustain in law. In the result the petition is allowed. The order made by the respondent of rejection of furlough leave application is hereby set aside. The application filed for furlough leave stands allowed. The petitioner be released on furlough leave subject to routine terms and conditions. Rule made absolute in aforesaid terms. It is to be done within 15 days from today.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]