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

CRIMINAL WRIT PETITION NO. 38 OF 2019

Babasaheb Baban Raskar

..Petitioner

Vs

The State of Maharashtra & Anr.

..Respondents

Through Jail.

Ms. M.H. Mhatre, APP for the State.

**CORAM : A.S. OKA &
A.S.GADKARI, J.J.**

DATE : 14th February 2019.

P.C.:

1] On 11th February 2019, the Advocate for the petitioner was present and after hearing him, the petition is adjourned till today. The petitioner applied for grant of furlough under the Prisons (Bombay Furlough and Parole) Rules, 1959 (for short “the Rules of 1959”).

2] The furlough has been denied to the petitioner by invoking sub-Rule (4) of Rule 4 of the Rules of 1959. The petitioner was granted furlough on 22nd June 2002. The petitioner did not report to the jail and on 25th October 2013 (after lapse of 4127 days), the petitioner was arrested by the police and brought to the jail.

3] This disqualification of the petitioner under sub-Rule (4) of Rule 4 of the Rules of 1959. Though it is pointed out that on 26th November 2015 parole was granted to the petitioner, on the relevant date, the disqualification for grant of furlough was not applicable to the grant of parole.

4] We do not find any error in the impugned Order. The writ petition is accordingly rejected.

(A.S.GADKARI, J.)

(A.S. OKA, J.)