

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.183 OF 2018

Mohamed Aiyaz Mohd Rafik Shaikh
(through jail) ...Petitioner
vs.
State of Maharashtra ...Respondent

None for the Petitioner
Mr.Arfa Sait, APP for the respondent

CORAM : A.S.OKA, &
A.S.GADKARI, JJ.
DATE : FEBRUARY 8, 2019

P.C.:

1 Rule. The learned APP waives service for the respondent. Forthwith taken up for final disposal.

2 By the impugned orders, the application for furlough made by the petitioner was rejected only on the ground set out in clause 11 of Rule 4B of the Prisons (Bombay Furlough and Parole) Rules, 1959. For the reasons recorded today in Writ Petition No.179 of 2018, the impugned orders cannot be sustained.

3 Hence, we pass the following order:

- (I) Impugned orders are quashed and set aside;
- (II) We direct the Competent Authority to pass a fresh order granting furlough to the petitioner subject to appropriate terms and conditions;

- (III) We make it clear that the furlough granted
shall be treated as furlough for the year 2017;
- (IV) Rule is made absolute on above terms.

(A.S.GADKARI,J.)

(A.S.OKA,J.)