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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.83 OF 2019

Chetan Ramdas Dumbare (through jail)	...Petitioner
vs.	
The State of Maharashtra	...Respondent

Mr.Arfan Sait, APP for the respondent

CORAM : A.S.OKA, &
A.S.GADKARI, JJ.
DATE : JANUARY 16, 2019

P.C.:

1 Perused the petition received through jail. Heard the learned APP for State. The petitioner is seeking furlough leave for a period of 28 days. However, we find that the petitioner has been convicted for the offences punishable under sections 302 and 394 read with section 34 of the Indian Penal Code. The petitioner has been sentenced R.I for life. In view of the express bar created by Sub Rule 2 of Rule 4 of the Prisons (Bombay Furlough and Parole) Rules, 1959, the petitioner is ineligible for grant of furlough. Sub Rule 2 of Rule 4 of the said Rules of 1959, provides that the prisoners convicted for the offence under section 394 of the Indian Penal Code are not eligible for grant of furlough.

2 The wife of the petitioner has sought furlough only under the said Rules of 1959. Hence, no case is made out for grant of furlough to the petitioner. Writ Petition is accordingly rejected.

3 A copy of this order shall be forwarded by the office of the Public Prosecutor to the petitioner through the concerned Jail Superintendent.

4 Criminal Application No.14 of 2019 does not survive and the same is disposed of.

(A.S.GADKARI,J.)

(A.S.OKA,J.)