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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.179 OF 2018

Arvind Arjun Kamble ...Petitioner
(through jail)
vs.
State of Maharashtra ...Respondent

None for the Petitioner
Mr.Arfan 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. An application was made by the petitioner for grant of furlough under the Prisons (Bombay Furlough and Parole) Rules, 1959 (for short "the said Rules"). The application was rejected on the ground incorporated in Clause 11 of Rule 4B of the said Rules incorporated by the Government Notification dated 26th August 2016. By the notification dated 26th August 2016, the said Rules were amended. In view of the Judgment and Order dated 26th April 2017 in Criminal Writ Petition No.196 of 2017 (Arun S/O Gulab Gavli Vs. State of Maharashtra and others), the ground on which application for grant of furlough is rejected was not available.

2 We must note here that on 2nd November 2015, the petitioner was released on furlough and he returned back to the jail within prescribed time.

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 2016;
- (IV) Rule is made absolute on above terms.

(A.S.GADKARI,J.)

(A.S.OKA,J.)