

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1907 OF 2019

Muzaammil Umar Kadri ... Petitioner

Versus

State of Maharashtra and Ors. ... Respondents

Mrs. Shabana Sothe for the Petitioner.

Mr.Arfan Sait, APP for the respondent State.

Mr. P.M. Nagawade, Jailer for respondent no. 2 Nashik Jail present.

**CORAM : B.P. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.**

DATE : APRIL 23, 2019

P.C.:

Learned counsel for the petitioner after inviting our attention to the impugned order dated 1/7/2018 rejecting the furlough leave and the order dated 11/4/2019 passed by this Bench in WP No. 1119 of 2019 states that the denial of furlough to prisoners like petitioner because of their involvement in the offence of serious nature militates with the basic object behind providing the furlough leave to him. Learned counsel submits that the petitioner before this Court is convicted in Bombay Bomb Blast Case and because

of that conviction his request for furlough has not been entertained.

2. Learned APP supports the impugned order. He points out that the case of petitioner Bashir Ahmed in WP No. 1119 of 2019 and present petitioner Muzammil Kadri is identical. The law on the point is looked into by this Bench on 11/4/2019 and the classification made on the basis of gravity and nature of offence cannot be seen as unreasonable. Without prejudice, he also points out that the present petitioner is found to have fabricated some papers to obtain parole leave by this court in its order dated 27/11/2017 in Criminal Writ Petition No. 4093 of 2017.

3. Counsel for the petitioner in brief reply submits that the order dated 27/11/2017 is pointed out by the petitioner in the present matter also. Parole and furlough stand on different footings and no reason is required to be assigned for enjoying the furlough leave. Hence, alleged fabrication noticed by this court on 27/11/2017 is irrelevant here.

4. We need not go into the issue of fabrication at all in the present facts. The order dated 11/4/2019 in WP No. 1119 of 2019 considers the law on the point including the judgments delivered from time to time and the judgment of Hon'e Apex Court in the

case of Ashfaq Abdul Aziz Vs. State of Rajasthan 2017 (15) SCC 55.

We find no case made out to take a different view. We reject the petition. There shall be no order as to costs.

(PRAKASH D. NAIK, J.)

(B.P. DHARMADHIKARI, J.)