

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

**CRIMINAL APPLICATION NO.208 OF 2019
IN
WRIT PETITION NO.1149 OF 2019**

Imranali Babuali Sayyed

...Applicant/Petitioner

vs.

The State of Maharashtra

...Respondent

**WITH
CRIMINAL APPLICATION NO.254 OF 2019
IN
CRIMINAL APPLICATION NO.208 OF 2019**

Mr. Lokesh Zade for the Applicant/Petitioner.

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

**CORAM : B. P. DHARMADHIKARI &
SMT. SWAPNA S. JOSHI, JJ.
DATE : 17/06/2019.**

P.C.:

. This application is moved by convict who is jail in Criminal Writ Petition No.1149/2019. That Writ petition was disposed of on 12/3/2019 with direction to authorities to grant parole after reconsidering the request of the petitioner in the light of report submitted by Sr.P.I. Malegaon Police Station. It appears that on 12/3/2019 there was dispute whether report dated 16/2/2019 forwarded by the Competent Authority was looked into or not. Facts show that the sister of prisoner had expired on 15/12/2018 and therefore he was seeking death parole.

2. It appears that after hearing learned counsel (appointed) and learned APP that death parole was allowed on 18/2/2019 / 18/3/2019. The petitioner however could not avail the same as he was not in position to deposit escort charges.

3. During this period he also applied for furlough and the furlough application dated 26/4/2019 was rejected because of adverse police report.

4. After hearing learned APP and learned counsel (appointed) we find that there is some dispute about dates. Though order below signature mentions date 18/3/2019, on its top it carries date 18/2/2019 which is infact prior to the order of this Court dated 12/3/2019 mentioned supra.

5. In Criminal Application No.254/2019, the petitioner has annexed application dated 22/4/2019 for furlough leave, There he has also referred to death of sister. Along with this letter he has placed a copy of the order dated 28/1/2018 which show that because of adverse police report, on 4/1/2019 furlough was denied. First application dated 22/4/2019 is forwarded to this Court by the Superintendent of Nashik Central Prison with forwarding letters dated 24/4/2019/26/4/2019 which point out rejection of furlough leave.

6. Applicant prisoner has been convicted in C.R No.66/2014 in Sessions Case No.111/2014. He is in jail since then, he has not availed either parole or furlough at any point of time. In these facts, we failed to understand how on 4/1/2019 there can be any adverse police report.

7. Taking note of totality of circumstances, we are inclined to direct authorities to reconsider his request for release on furlough leave within a period of 4 weeks from today. Suitable orders on his request shall be passed and communicated to him. Copy of this order be communicated to the prisoner in jail. Applications are allowed and disposed of.

(SMT. SWAPNA S. JOSHI, J.)

(B. P. DHARMADHIKARI, J.)