

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3301 OF 2019

Kamlesh Sitaram Nimbarte

... Petitioner

Vs.

The State of Maharashtra & Ors.

... Respondents

Shri Prosper D'Souza, Advocate for the Petitioner.

Shri Arfan Sait, APP for the Respondent – State.

CORAM : B.P. DHARMADHIKARI AND
MRS. SWAPNA S. JOSHI, JJ.

DATE : 5th AUGUST 2019.

P.C. :

1. Heard respective counsels.
2. Petitioner was lastly released on parole leave on 12/10/2018 and he has reported back on due date.
3. Ignoring this fact, the sanctioning authority has on 21/12/2018 refused to release him on furlough leave. This rejection formed subject matter of Criminal Writ Petition No.1292 of 2019, which was disposed of on 19/03/2019, as his appeal with the State Government was then pending.
4. The State Government has on 01/04/2019 dismissed the appeal.
5. Orders dtd.21/12/2018 and 01/04/2019 fail to take note of timely return of petitioner on 27/11/2018, as mentioned supra.
6. We, therefore, quash and set aside both these orders and direct

authorities to pass fresh orders permitting him to avail furlough leave on suitable terms and conditions within six weeks after communication of this order.

7. Writ Petition is accordingly allowed and disposed of.

(MRS. SWAPNA S. JOSHI, J.)

(B.P. DHARMADHIKARI, J.)