

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

WRIT PETITION NO.3949 OF 2019

Jafar Khijar Sheikh

...Petitioner

vs.

The State of Maharashtra and Ors.

...Respondents

Mr. Shailesh D. Chavan for the Petitioner.

Mr. Arfan Sait, APP for the Respondent/State.

Mr. N. M. Kamble, Jailor, Yerwada Central Prison, Pune

**CORAM : B. P. DHARMADHIKARI &
SANDEEP K. SHINDE, JJ.**

DATE : 23/09/2019.

PC.:

. This court has dismissed Criminal Writ Petition No.2109/2018 on 26/7/2018 observing therein that if in future other application for furlough is made it would be decided on merits after considering the conduct in recent past. Use of mobile phone by the petitioner which is given as one of the reasons in impugned order dated 4/5/2019, has also been looked in that order by this Court.

2. After this order the petitioner moved application on 8/10/2018 for furlough. It has been rejected by the Sanctioning authority on 25/2/2019 and appeal against it has been dismissed on 4/5/2019.

3. In the appellate order conduct of prisoner in jail has also been taken note of.

4. Learned APP has produced for our perusal the order of

Sanctioning Authority at Exhibit “X” and the chart showing attendance and wages earned from September-2018 till August-2019 at Exhibit “Y”.

5. Chart at Exhibit “X” shows that since February 2019 till July 2019 the petitioner has not reported for work at all and has not earned any wages. In August-2019 he has worked for 14 days and was absent for 9 days.

6. We therefore find substance in the submission of learned APP that the petitioner has not abided rules of discipline in the prison.

7. We therefore find no case made out warranting intervention in extra ordinary jurisdiction. The petition is rejected.

(SANDEEP K. SHINDE, J.)

(B. P. DHARMADHIKARI, J.)