

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

**WRIT PETITION NO.4102 OF 2019**

Nasir Abdul Farid Khan @ Nasir Kanya

...Petitioner

Vs.

The State of Maharashtra

...Respondent

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Mr. Nasreen Ayubi i/b. Aisha M. Ansari for the Petitioner.

Shri. S.R. Shinde, APP for the Respondent - State.

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**CORAM : B. P. DHARMADHIKARI &  
SMT. SADHANA S. JADHAV, JJ.**

**DATE : 6<sup>th</sup> NOVEMBER 2019.**

**PC.:**

1           Heard for sometime. It appears that petitioner prisoner was transferred on account of misbehaviour from Nashik Jail to Yerwada Prison. It appears that in 2017 when he was in hospital for surgery he has misbehaved with Medical Officer.

2           The learned counsel for the petitioner states that as the petitioner did not get proper medical attention, he had protested. The order shows that after issuance of Government Notification dated 26<sup>th</sup> August 2016 there was some unrest amongst prisoners and there was also some agitation and recourse to force.

3           The order rejecting furlough leave passed on 11<sup>th</sup> May 2017 or appellate order dated 11<sup>th</sup> December 2017 does not mention the details of misbehaviour. This Court therefore is not in a position to understand exact impact of that misbehaviour and as such we find the orders non-speaking. The prisoner has been denied furlough on account of said misbehaviour.

4           We therefore direct the Respondent No.3 to pass fresh orders on request of petitioner on grant of furlough mentioning necessary details. Orders shall be passed within 8 weeks from receipt of this order by Respondent No.3.

5           Petition is accordingly disposed of.

**(SMT. SADHANA S. JADHAV, J.) (B. P. DHARMADHIKARI, J.)**