

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4894 OF 2019

Sunil Vishwanath Gaikwad ... Petitioner

Versus

The State of Maharashtra ... Respondent

None for the petitioner.

Smt.Aruna Pai, APP for the State.

CORAM : B.P. DHARMADHIKARI &
NITIN R. BORKAR, JJ.
DATE : DECEMBER 12, 2019

P.C.:

Furlough leave sought by the convict vide application dated 16/10/2018 has been rejected on 28/1/2019. The appeal against it has been dismissed on 11/7/2019. The reasons are in the year 2012 when he was released on furlough, he was required to be arrested and brought back after 56 days. In the year 2013, when he was given parole, he was required to be arrested and brought back after 202 days.

2. The nominal roll mentions that for the late coming of 56 days, his remission was deducted by 280 days. For repeated misconduct in the year 2013, his name has been permanently removed from the remission register.

3. It is not in dispute that the petitioner had earlier approached this court in Writ Petition No. 4744 of 2017 and the Division Bench of this court has on 11/1/2018 while refusing to intervene, made it clear that if he applies again, his application would be considered independently on merits. This court has then observed that such application would be considered after taking into account his recent conduct in prison.

4. This direction therefore shows that the previous instances of not reporting within time or punishment therefor, could not have been looked into by the authorities.

5. Learned APP submits that the prisoner appears to be member of some gang and therefore, also he is not entitled to benefit of furlough.

6. As the order of this court dated 11/1/2018 has been lost sight of, we are not inclined to delve more into the matter. We quash and set aside both the orders and direct the DIG, Aurangabad to pass orders afresh taking into account all relevant material as per order of this court dated 11/1/2018 supra.

7. With these directions, we dispose of the writ petition.

8. This order be communicated to the prisoner in jail.

(NITIN R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)

