

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

CRIMINAL WRIT PETITION NO. 5735 OF 2019

Ashokkumar Basanturam Jaiswal.	...Petitioner
Versus	
The State of Maharashtra.	...Respondent.

None for the Petitioner.

Smt. Aruna S. Pai, APP for State.

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

DATE : NOVEMBER 19, 2019.

P.C.:

1 Furlough leave of convict was rejected by DIG on 2nd April, 2019 and appeal against it has been rejected on 30/08/2019. Reason given is of bar under Rule 4(2) of Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959.

2 Learned APP has rightly pointed out that he has been sentenced for 7 years under section 392, section 394 read with section 34 of the Indian Penal Code and additionally, he was to pay fine of Rs. 1,000/- in default whereof he was to suffer further imprisonment for 6 months.

3 He has completed period of 7 years, but deposited fine amount only on 4th October, 2019. Thus till then his request could not have been looked into because of Rule 4(2).

Talwalkar

4 The respondent also states that as bar is now lifted, application, if moved can be considered according to the law. We therefore, permit the prisoner leave to move application afresh. If such application is moved, it shall be decided on its own merits without getting influenced by earlier orders within 6 weeks of its receipt. With this direction, we dispose of present petition.

5 Order be communicated to the prisoner in jail.

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