

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL WRIT PETITION NO. 304 OF 2020

Amjad Khan S/o Mehboob Khan (C-8140)
Age 29 yrs, Occu. Convict,
R/o. Lane No. 10, Misarwadi, Aurangabad,
At present Confined in Closed Prison,
Aurangabad.

... PETITIONER

VERSUS

1. The State of Maharashtra,
Through D.I.G. Prisons,
Aurangabad.

2. The State of Maharashtra,
Through Superintendent,
Harsul Prison,
Aurangabad.

... RESPONDENTS

...
Mr. A. S. Mantri, Advocate for Petitioner.
Mr. R. V. Dasalkar, APP for Respondents.
...

CORAM : T. V. NALAWADE &
M. G. SEWLIKAR, JJ.

DATE : 27th February, 2020.

ORAL JUDGMENT: (Per T. V. Nalawade, J.)

. Rule. Rule made returnable forthwith. By consent, heard
both the sides for final disposal.

2 The proceeding is filed to challenge the order made by the Respondent by which the furlough leave application of the Petitioner, prisoner is rejected.

3 The submissions made and record show that the application is rejected on the ground that there is adverse police report and when on last occasion he was released on parole, crime for the offence punishable under Section 379 of the Indian Penal Code came to be registered against him. A copy of said FIR is available on record and it shows that in one incident dated 15th June, 2018, he was caught red handed while pick pocketing at bus-stand.

4 The submissions made show that the Petitioner has been behind bars for more than 9 years and he was not released on furlough leave in the past and he was released one occasion on parole leave. The aforesaid incident took place during the parole period. In view of the purpose behind furlough leave and circumstances that this will be the first occasion he will be coming out of the jail on furlough leave, this Court holds that one more opportunity can be given to the Petitioner to prove that he has improved his conduct and he is no more danger to the society. Proper

conditions can be imposed on him for granting furlough leave. In the result, the following order is passed:

ORDER

- I. The petition is allowed.
- II. The order made by the Respondent is hereby set aside.
- III. The Petitioner is to be released on furlough leave on usual terms and conditions and undertaking may also be obtained from him that he will not indulge in activities like pick pocketing and he will not commit any offence while on furlough leave.
- IV. Rule is made absolute in those terms.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]

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