IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

BENCH AT AURANGABAD

949. CRIMINAL WRIT PETITION NO. 1136 OF 2020

Abdul Jabbar S/o Abdul Kayyum,
Convict No. 8809, age major occupation convict
R/o at present confined in Central Jail, Aurangabad
...Petitioner

VERSUS

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

2. The State of Maharashtra,
Through : The Superintendent,
Central Jail, Aurangabad. ...Respondents

Mr. Digambar B. Shinde, Advocate, h/f. Mr. R.A. Jaiswal, Advocate for petitioner
Mr. P.K. Lakhotiya, Addl. Public Prosecutor for Respts./State

CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.
DATE : 8th October, 2020

ORAL JUDGMENT (PER : T.V. NALAWADE, J.)

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

2. Present proceeding is filed to challenge the order made

by the respondents on 17th August 2020 by which the application for furlough is rejected. The petitioner is convicted for offence of murder and he is sentenced to life imprisonment and he has completed more than three years of jail term. He is eligible to get furlough leave. The reason given for rejection is that there is adverse police report. Ordinarily, in every case, there is adverse police report as witnesses take objection for granting furlough to prisoners. Considering the object behind the scheme of furlough, such objection cannot be considered and this Court holds that the reason given by the authority for rejection of the furlough cannot sustain in law. So, the petition is allowed. Order of rejection made by the respondents is hereby quashed and set aside. The application filed by the petitioner for furlough is allowed. He is to be released on furlough within seven days, with usual terms and conditions.

3. Rule made absolute in those terms.

Sd/-
(M.G. SEWLIKAR)
JUDGE

Sd/-
(T.V. NALAWADE)
JUDGE

Madkar