

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 509 OF 2020

Chetan Suresh Awale

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

None for the petitioner.

Smt. A.S. Pai, APP for the respondent State.

Mr. N.M. Kamble, Jailer, Yerawada Central Prison present.

CORAM : B.P. DHARMADHIKARI &
NITIN R. BORKAR, JJ.
DATE : JANUARY 30, 2020

P.C.:

Prisoner seeks leave on furlough. His request was turned down on 2/3/2019 and appeal has been rejected on 31/10/2019. Learned APP upon instructions states that one of the grounds which weighed with the authority is his mental instability at the relevant time. She submits that as per the recent tests, he is now mentally fit and therefore, his request can be considered if it is again made.

2. We find that his eligibility to furlough is not in dispute and he has already made a request when he was mentally not stable. We do not wish to go into any disputed questions at this stage.

We direct the authority to reconsider his application in accordance with law and take suitable decision upon it in the changed circumstances within six weeks. With the said direction, this petition is partly allowed and disposed of.

3. Order be communicated to the prisoner in jail.

(NITIN R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)