

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 6369 OF 2019

Mohammad Atiulla @ Abdul Mohammad
Ali Moharam Ali ... Petitioner

Versus

The State of Maharashtra ... Respondent

Adv Sonia Miskin for the petitioner.

Mr. Sooraj Hulke, APP for the respondent State.

CORAM : B.P. DHARMADHIKARI,
ACTING CHIEF JUSTICE &
NITIN R. BORKAR, J.
DATE : MARCH 03, 2020

P.C.:

Perused impugned order rejecting furlough leave dated 2/4/2019 and appellate order dated 30/10/2019. The furlough leave has been rejected because the prisoner is convict under section 394 and 397 IPC.

2. After hearing learned counsel (appointed) and learned APP for the State, we find that he has already completed substantive sentence. However, he has not paid the fine amount and therefore, imprisonment in default is yet to be completed.

3. In this situation, Authorities can obtain appropriate cash security or private surety and consider his release on furlough

in accordance with law after imposing suitable terms and conditions.

4. Therefore, to enable the parties to exercise this option, we quash and set aside both the orders and place the matter back before the DIG, Aurangabad Central Region for fresh consideration.

5. The fresh order shall be passed within four weeks after the communication of this order to that authority.

6. Criminal Writ petition is accordingly allowed.

7. This order be served on the prisoner in jail.

NITIN R. BORKAR, J.

ACTING CHIEF JUSTICE