

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 6447 OF 2019**

Farhan Abdul Mailk Khot ... Petitioner
V/s.
The State of Maharashtra and ors. ... Respondents

Mr. N.N. Gawankar i/b Mr. A.N. Mishra for the Petitioner.
Mr. K.V. Saste, APP for the Respondent – State.

**CORAM : B.P. DHARMADHIKARI,
ACTING CHIEF JUSTICE &
N.R. BORKAR, J.**

DATE : FEBRUARY 26, 2020.

P.C.

- 1] Learned APP is seeking time to verify the facts.

- 2] Learned counsel for the petitioner submits that the petitioner is already put in more than 17 years in prison and under wrong assumption that his conviction under Prevention of Terrorist Act, 2002 (POTA) disqualified him for furlough, the impugned orders have been passed.

- 3] The impugned orders mention Rule 4(13) and 4(2) for rejecting the furlough.

4] According to the petitioner-prisoner for 2003 bomb-blast case, the prisoner has been sentenced under POTA for 10 years and he has already completed that period. The bar, therefore, ceases to operate.

4] We keep this contention of the petitioner-prisoner open. Accordingly, we direct respondent No.3 to examine it and to pass fresh orders on his request for furlough within six weeks from the date of communication of this order.

6] Thus, the petition is partly allowed and disposed of accordingly.

7] Copy of this order be served upon the prisoner in Jail.

(N.R. BORKAR, J.)

(ACTING CHIEF JUSTICE)