

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRI. WRIT PETITION NO. 479 OF 2020

Rupesh Shrawan Kakade

-- Petitioner

vs.

State of Maharashtra thr. S.P. Central Jail,
Amravati and another

--Respondents

Mr. Raju Kadu, Advocate for the Petitioner.

Mr. A.R. Chutke, Additional Public Prosecutor
for the Respondent/State

CORAM : PRASANNA B. VARALE &
N.B. SURYAWANSHI JJ.

DATE : APRIL 05, 2021

P. C. :

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondent/State.

2. The learned counsel for the petitioner has challenged the order dated 07/07/2020 whereby the application seeking parole leave at the instance of petitioner, who is convict No. C-5489 and lodged at Central Prison, Amravati, was rejected. The counsel for the petitioner submitted that on an erroneous ground that there is a negative report against the petitioner, the application is rejected by the competent authority.

3. The learned Additional Public Prosecutor, by inviting our attention to the replies filed on behalf of the respondent No.1/ State, submitted that the rejection order refers to two reasons and adverse report is one of them. The learned Additional Public Prosecutor submitted that the first ground reflected in the rejection order is self speaking. The learned Additional Public Prosecutor submitted that the petitioner made an application on the ground of ailment of his mother and submitted that she is unable to move around and the petitioner is desirous of providing assistance to his ailing mother. The learned Additional Public Prosecutor submitted that the mother of the petitioner Smt. Draupati Shravan Kakade attended the Police Station along with her another son Arjun Shravan Kakade on 18/06/2020 and she submitted that she had undergone a medical treatment at District Hospital, Alibag, District Raigarh. The authority committed no error in finding that the reason of ailment of the mother raised by the petitioner is not convincing, in view of her personal presence before the authority and the second reason was assigned in the rejection order i.e. the negative report.

4. The learned counsel for the petitioner at this stage submitted that petitioner is not pressing the challenge to the rejection order and the petitioner be permitted to approach the authority afresh for submitting the application for furlough leave

and the authorities be directed to decide the application within stipulated period.

5. Considering the submission of learned counsel for the petitioner, we deem it appropriate to dispose the writ petition with liberty to the petitioner to submit an application afresh to the competent authority for seeking furlough leave within two weeks from today. In case, such an application is received by the competent authority within stipulated period of two weeks, the competent authority shall pass the order on the application within three weeks from the date of receipt of the application, needless to state on the merits of application and in accordance with the provisions of law.

6. With these directions the petition is disposed of.

[N.B. SURYAWANSHI, J.]

[PRASANNA B. VARALE, J]