

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1616 OF 2022

Sudhakar s/o Ram Karle
Age: 59 years, Nil. Convict No.8718
R/o. At Jalkot, Tq. Tuljapur,
Dist. Osmanabad
At present in Central Prison,
Aurangabad.

.. Petitioner

Versus

1. The State of Maharashtra'
2. The Dy. Inspector General of
Central Prison, Aurangabad.
3. The Additional DGP/Inspector
General of Prison and Correctional
Services, Maharashtra State, Pune.
4. The Superintendent of Central Prison,
Aurangabad.

.. Respondents

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Mrs. Bharati B. Gunjal, Advocate for petitioner.
Mr. S. D. Ghayal, APP for the respondents - State.

...

CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.

DATE : DECEMBER 01, 2022.

ORDER :-

. Heard learned Advocate for the petitioner and learned APP for
all the respondents.

2. The facts emerging are that the petitioner, who is a convict, states that he has not availed any leave since last five years. Now, he had made application in view of the fact that he is suffering from diseases and currently also he is taking treatment in Ghati Hospital. His sugar levels have increased as well as there is amputation of his left 5th toe. It is submitted that the petitioner is willing to take medical treatment on his own at Pune, where his family members are residing. His application for grant of furlough leave has been rejected by respondent No.2 by order dated 16.12.2021.

3. It is also to be noted from the petition itself that the petitioner has filed appeal before respondent No.3 on 12.10.2022 challenging the order passed by respondent No.2 on 16.12.2021. When the said appeal is pending, the same points cannot be agitated in petition.

4. Learned APP submits that the appeal would be decided by respondent No.3 within a period of two weeks.

5. Definitely, there appears to be some medical problem with the petitioner. We would refrain ourselves from making any statement in respect of merits of the matter. In view of the fact that his appeal is still pending before respondent No.3, it would be therefore appropriate in view of prayer clause 15[C] to direct respondent

No.3 to decide the appeal. Further, taking into consideration the medical requirement and the appeal is pending since 12.10.2022, it would be appropriate to constrain the time frame for deciding the appeal to one week.

6. For the above-said reasons, following order is passed :-

ORDER

I) The writ petition is partly allowed.

II) Respondent No.3 to decide the appeal filed by the present petitioner on 12.10.2022 within a period of one week from today.

III) Learned APP to communicate this order to respondent No.3.

IV) Parties to act upon an authenticated copy of this order.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm