

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2489 OF 2022**

Ashok Dhondiram Dhavale

.....Petitioner

Vs.

The State Of Maharashtra

.....Respondent

Smt. Harjeet Kaur for the Petitioner.

Mr. S.S. Hulke APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
MILIND N. JADHAV, JJ.
DATE : 18th NOVEMBER, 2022.**

P.C.:-

By the present Petition, the Petitioner has impugned Orders dated 26th October, 2021 passed by the Competent Authority and 7th January, 2022 passed by the Appellate Authority, rejecting the Application of the Petitioner for furlough leave for the year 2021. The said Application has been rejected as contemplated under Rule 4(4) of the Prisons (Bombay Furlough and Parole) Rules, 1959.

2) Smt. Kaur, learned Advocate for the Petitioner made a grievance that all the concerned take inordinate time to decide the Application for furlough leave and within which period, the Application preferred by the prisoner becomes stale.

3) Mr. Hulke, learned APP on instructions submitted that, the Petitioner has now become entitled to file a fresh Application for furlough leave for the year 2022 and if he files such an Application, it will be decided as per the Circulars issued by the Competent Authority dated 10th February, 2022 and 17th August, 2022 without any delay in that behalf.

4) We expect that the said statement made by the learned APP on instructions will be complied with and in any event within a period of five weeks from the date of receipt of fresh application for furlough leave it will be decided.

5) In view of above, learned Advocate for the Petitioner seeks leave to withdraw the present Petition with liberty to file a fresh Application for furlough leave before the Competent Authority.

Leave and liberty granted.

6) Petition is disposed off, as withdrawn with aforesaid liberty.

(MILIND N. JADHAV, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
SHARNAPPA
MASHALKAR
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