

RMA

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 3776 OF 2022

Dhanaji Vasant Misal	.. Petitioner
Vs.	
State of Maharashtra & Ors.	.. Respondents

Mr. Rupesh A. Jaiswal for the Petitioner
Ms. J.S. Lohakare, APP for State

**CORAM : A.S. GADKARI &
MILIND N. JADHAV, JJ.**

DATE : 17th November, 2022.

P.C.:

. Learned APP on instructions from Senior Jailor of Kolhapur Central Prison, Kalamba submitted that, in view of Rule 4 of Chapter 37 of Maharashtra Prison Rules 1979, the Petitioner is entitled for furlough leave. She produced on record a photocopy of the said report.

2. Even otherwise perusal of the impugned Order dated 02.02.2022 passed by the Deputy Inspector General of Prisons, Western Region, Pune indicates that, it is a mechanical order, as has been observed by the coordinate Bench in its Judgment dated 29.03.2022.

The circulates dated 10.08.2022 and 17.08.2022 are issued by the Inspector General of Police (Law & Order) and on behalf of Director General of Police, Maharashtra State and Additional Director General of Police and Inspector General of Police (Prisons).

3. In view thereof, learned APP on instructions submitted that

Competent Authority will reconsider the case of the Petitioner within a period of two weeks from the date of uploading of the present Order on the official website of the High Court.

4. In view of the statement made by the learned APP, impugned orders dated 02.02.2022 passed by the Deputy Inspector General of Prisons, Western Region, Pune and Order dated 01.06.2022 passed by the Appellate Authority are hereby set aside.

5. Petition is allowed in the aforesaid terms.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]

RAVINDRA
MOHAN
AMBERKAR
Digitally
signed by
RAVINDRA
MOHAN
AMBERKAR
Date:
2022.11.21
18:47:01
+0530