

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

WRIT PETITION NO. 813 OF 2022

Parvati w/o Shivkant Jaiswar
(son of Petitioner Ashok
S/o Shivkant Jaiswar -Convict)

...Petitioner

vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Jaiswal Rupesh Anilkumar - Advocate for the Petitioner

Mr. J. P. Yagnik - APP for the Respondent-State

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 21st MARCH, 2022

P. C. :-

1. Heard Mr. Jaiswal Rupesh Anilkumar, the learned counsel for the Petitioner.

2. The Petitioner is mother of Ashok S. Jaiswar who is presently lodged in Central Prison Pune under MCOCA Case No. 7 of 2008 and suffering punishment of life imprisonment awarded to him vide Judgment and Order passed by the learned Special MCOCA. It is submitted that the Order of the learned Special Judge was subjected to appeal namely Criminal Appeal No. 1095 of 2012, the appeal was partly allowed and the conviction of the son of the Petitioner under MCOCA Act was set aside.

3. The limited grievance is raised in the petition. It is submitted before this Court that the son of the Petitioner preferred an application for grant of Furlough leave to the Competent Authority of the Respondent-State namely the Respondent No. 2 Superintendent Jail Central Prison on 18/02/2021 vide outward letter no. 1839/2021. The Petitioner was expected early decision on the application for grant of Furlough leave submitted by her son.

4. The learned counsel Mr. Jaiswal invited our attention to the Government Circular dated 01/08/2007. Copy of the same is placed on record at Exh. A.

5. Mr. Jaiswal submitted that in view of the various judgments and Orders of this Court, the stipulation of period is fixed in the Government Resolution. Then there is also estimated period for moment of application at various steps and by various authorities.

6. Mr. Jaiswal submitted that as per the Government Resolution Circular, the Competent authority is expected to decide the application for Furlough leave within 45 official days. Mr. Jaiswal submitted that though there is stipulation of 45 days, the application of the son of the Petitioner is pending before the Authority for more than 300 days.

7. Being the limited grievance raised in the Petition, we are of the opinion Petition itself can be disposed of with direction to the Respondent

No. 2. Accordingly, the Respondent No. 2 is directed to decide the application filed by the son of the Petitioner namely Ashok Shivkant Jaiswar on 18/02/2021 convict no. 16487 as expeditiously as possible and not later than two weeks from the date of receipt of Order of this Court by Respondent no. 2, if it is not decided till date.

8. With this directions, the petition is disposed of.

9. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

10. Learned APP to communicate the order to the Respondent Nos. 1 and 2.

11. Parties to act on an authenticated copy of this Order.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)