

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 5156 OF 2021**

Shaikh Nisar Shaikh Gafoor

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Ms. Janhavi Karnik, Appointed Advocate for Petitioner.

Mrs.S.D. Shinde, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 9th December 2022.****PC. :**

1. Heard Ms.Karnik, learned Advocate appointed to represent Petitioner and Mrs.Shinde, learned A.P.P. for State.

2. By the present Petition, Petitioner is seeking furlough leave.

Record indicates that, the Petitioner had filed an application for furlough leave in the year 2019, which came to be rejected by the Competent Authority by its Order dated 19th December 2019. The Appeal preferred by the Petitioner before the Appellate Authority, i.e. Additional Director General of Police and Inspector General of Prisons, has also been turned down.

3. Perusal of record clearly reveals that, when the Petitioner was released on parole leave in the year 2016, he reported Jail Authority late by

66 days. That when the Petitioner was released on furlough leave in the year 2017, he did not report back to jail Authority within stipulated period and absconded. He was to be arrested by the Police and brought back to jail after a lapse of about 3316 days. The Jail Administration has therefore has to lodge a crime under Section 224 of Indian Penal Code.

The aforestated reasons are sufficient for rejecting the application of furlough leave by the Competent Authority.

4. After perusing the Orders dated 19th December 2019 passed by the Competent Authority and dated 8th September 2020 passed by the Appellate Authority, we find that, both the Authorities below have not committed any error while passing the Order.

5. There are no merits in the Petition and is accordingly dismissed.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

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