

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4430 OF 2022****Brijesh S/O Ramsamuj Rai**

... Petitioner

V/s.**The State of Maharashtra & Ors.**

... Respondents

Mr. Rupesh A. Jaiswal for Petitioner.

Mrs.M.H. Mhatre, A.P.P. for Respondent-State.

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

1. The application of Petitioner dated 3rd November 2020 for furlough leave has been rejected by the Competent Authority by its Order dated 6th April 2021. The said Order has been upheld by the Appellate Authority by its Order dated 17th September 2021.

2. Learned A.P.P., on instructions from Superintendent, Nashik Road Central Prison, submitted that, the Application of Petitioner dated 3rd November 2020 for furlough leave will be reconsidered in consonance with the Circular No.7731 of 2022 dated 17th August 2022 issued by the Additional Director General of Police and Inspector General of Prisons, Maharashtra State.

That the said application of Petitioner dated 3rd November 2020 will be reconsidered as per the time schedule mentioned in the said Circular.

3. In view of the statement made on instructions by learned A.P.P, we set aside the impugned Orders dated 6th April 2021 passed by the Competent Authority and dated 17th September 2021 passed by the Appellate Authority.

4. Petition is accordingly partly allowed in the aforesaid terms.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

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