

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

958 CRIMINAL WRIT PETITION NO.237 OF 2023

BABASAHEB PANDHARI CHOLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr.Vishnu M. Jaware
APP for Respondents-State : Mr.M.M.Nerlikar

...
**CORAM : MANGESH S. PATIL &
M.M. SATHAYE, JJ.**

DATE : 16 March 2023

PER COURT :-

. Leave granted to correct the nomenclature of respondent No.3.

2. The petitioner is expecting implementation of the order passed by the appellate authority in exercise of the powers under Section 59 of the Prisons Act, 1894 whereby he had directed the original authority to undertake review / revision of the order whereby the petitioner's application for furlough leave was rejected. Interestingly, inspite of the original order having been passed on the merits for the reasons detailed therein, the appellate authority seems to have abdicated his powers to consider the legality or otherwise of the order under challenge in appeal before him, which is a statutory appeal.

3. Be that as it may, when the appellate authority had directed the original authority to undertake the review / revision, it was expected that the original authority would have reconsidered the matter and taken some decision. In spite of lapse of almost five months, no decision has been taken.

4. We dispose of the writ petition by directing respondent No.3 to take decision on the petitioner's application filed for furlough leave as expeditiously as possible and in any event within two weeks.

(M.M. SATHAYE)
JUDGE

(MANGESH S. PATIL)
JUDGE

SPT