

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

145 CRIMINAL WRIT PETITION NO.1458 OF 2023

SHANKAR @ BABLOO SUBHASH PAWAR (C-349)

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mrs.Chate Sharada Pundlik

APP for Respondent/State : Mr. Y.G. Gujarathi

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CORAM : R.G. AVACHAT AND

SANJAY A. DESHMUKH, JJ.

DATED : 23rd OCTOBER, 2023.

PER COURT :-

1. Heard.
2. The petitioner's application for 45 days furlough leave has been turned down on account of there being no gap of one and half years between petitioner's last release and the present application. We are informed that proviso to rule 19 is under review and is likely to be withdrawn. The learned APP disputes the same. We, however, take judicial notice of such status of the matter since in number of matters similar submissions were advanced and the learned APP had conceded thereto.
3. It is informed that this Court at Nagpur bench was even inclined to declare proviso to be unconstitutional, but for the statement made by learned APP. Be that as it may.

4. The petitioner's wife is suffering medically. A medical certificate is on record. Police authorities verified the same.
5. In view of the same, authorities are directed to grant the petitioner 45 days parole leave on usual terms and conditions.
6. The petition stands disposed of.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

sga/