

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 256 OF 2023**

Iqlak Alias Iqlak Fakir Mohammad Shaikh ...Petitioner

V/s.

The State Of Maharashtra And Ors. ...Respondents

Mr. Prosper D'souza, Advocate for Petitioner.

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

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 31st JANUARY, 2023.

PC.:-

1. Heard Mr. Disouza, learned Advocate for Petitioner and Mrs. Shinde learned A.P.P. for Respondent – State. Perused record produced before us.

2. By impugned Order dated 22.09.2022, the rejection of Application for furlough leave dated 24.12.2021 filed by Petitioner has been upheld by the Appellate Authority.

3. Mr. Desouza, learned Advocate for Petitioner submitted that, as per record, the Appellant was reported to be absconding for about 6 years in the year 2009. That, even after lodgment of Appellant in the Jail, he has thereafter undergone about 6 years of imprisonment. He submitted that the Petitioner is having various reasons to be put forth for his not reporting to the Jail Authorities within stipulated period on earlier occasions. That, the Appellant may be granted an opportunity to prove his bonafide and

therefore his application for furlough leave may be sympathetically considered. He therefore prayed that, the present Petition may be allowed.

4. Perusal of record would indicate that, when the Petitioner was released on furlough leave in the year 2009, he did not report to the Jail Authority within stipulated period and was declared absconding. The Jail Authority therefore lodged a Crime No.125 of 2013 under Section 224 of the Indian Penal Code with Samarth Police Station, Pune. That, the Petitioner was subsequently arrested by Police and brought back to Jail after lapse of 2278 days.

5. This reason itself is sufficient for not considering the application of Petitioner for furlough leave under Rules 4(10) and 4(20) of the Prisons (Bombay Furlough and Parole) Rules, 1959.

6. In view of the above we find that, there are no merits in the Petition.

7. Petition is accordingly dismissed.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)