



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

913 CRIMINAL WRIT PETITION NO. 1915 OF 2024

SUNIL KHAHANDERAO GAIKWAD (C-115)
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Mr. Harshal Prakash Randhir
APP for Respondents/State : Ms.R.P.Gaur
...

CORAM : SMT. VIBHA KANKANWADI &
R. W. JOSHI, JJ.

DATE : 04.12.2024.

PER COURT :

1. The present petition has been filed invoking the Constitutional powers of this Court under Articles 226 and 227 of the Constitution of India for following reliefs :

"A) By Appropriate Writ, or direction in like nature to direct the Respondent no. 4 to forward the application/ representation dated 04/11/2024 for furlough leave to respondent no. 3 immediately.

B) By Appropriate Writ, or direction in like nature to direct the respondent no. 3 to decide the Application / representation dated 04/11/2024 for Furlough Leave preferred by

petitioner within time frame of 3 days, and further directed the Respondent no.1 to release Petitioner on execution of P.R Bond.”

2. The reason that has been stated is that the son of the petitioner, who is aged 15 has suffered road traffic accident which has resulted in grievous injuries requiring him to undergo surgery for his right thigh and right arm. It appears that he has already undergone a surgery but certainly being father he would be interested to attend this emergent situation. It appears that he had filed an application/ representation for furlough leave to respondent No. 3 on 04.11.2024, but it appears that it has not been forwarded to respondent No. 3 for decision and hence the present petition has been filed.

3. Taking into consideration the rules, it can be seen that he ought to have applied for furlough leave and therefore, there is no hesitation for us to direct respondent No. 3, who is supposed to take decision that he should consider the said application for parole leave instead of furlough leave.

4. Learned APP places on record written

communication by respondent No. 3, which is taken on record by marking Exhibit-A, stating that he would take the decision within four weeks. The important point is to be noted is that the learned APP has placed on record that the furlough and parole Rules have come up on 02.12.2024 and therefore, when the application is pending, respondent No. 3 may consider the new Rules also and since we have directed respondent No. 3 to consider the said application as parole leave and that too for the reasons stated we hope that taking into consideration the main object for making provision for parole leave respondent No. 3/Competent Authority like the Deputy Inspector General of Prison, would decide the said application within a period of two weeks from today. With these observations we dispose of the Writ Petition.

(R.W. JOSHI)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

mahajansb/