

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 95 OF 2024**

Irshad Sultan Ahmed Qureshi

.....Petitioner

Vs.

The State Of Maharashtra

.....Respondents

None for the Petitioner.

Mr. J.P. Yagnik APP, for the Respondent-State.

Mr. Ranjeetsinh Namdev Patil, Mumbai Central Prison, present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 7th MARCH, 2024.****P.C.:-**

1) The letter sent by the Petitioner through jail is converted into present petition under Article 226 of the Constitution of India.

By the present petition, the Petitioner is seeking 15 days special leave for attending his ailing mother and to provide her good medical facility.

2) Shri Gajanan K. Sarode, Deputy Superintendent of Prison, Mumbai Central Prison, has filed an Affidavit dated 1st March 2024. It is stated therein that, Petitioner is an under trial prisoner and there is no provision in the Notification dated 16th April 2018 of the Prison Act, 1984 to provide his release on temporary basis (special leave) for 15 days. As the Petitioner is an under trial prisoner, he cannot be released on furlough

leave.

3) The Petitioner is having an alternate remedy of filing an application for temporary bail before the trial Court for the said reason, which will be considered and decided as per its own merits by the learned Judge of the trial Court.

4) By reserving the said remedy, Petition is disposed off.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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