

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 190 OF 2024**

Guttu @ Faimuddin Salimuddin Shaikh

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Mr. Abhijit P. Kulkarni a/w. Ms. Sweta Shah, Mr. Gourav Shahane & Mr. Krushna Jaybhay for Petitioner.

Mr. S.V. Gavand, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 10th April 2024.

P.C. :

1) By the present Petition received through jail, the Petitioner is seeking furlough leave for the year 2020.

2) Heard Mr. Kulkarni, learned Advocate appointed to represent the Petitioner and Mr. Gavand, learned A.P.P. for Respondent-State. Perused record.

3) Record indicates that, the Competent Authority by its Order dated 17th January 2020 has rejected the application of the Petitioner for releasing him on furlough leave. The Appellate Authority by its Order dated 10th August 2020 has confirmed the Order of the Competent Authority.

4) It is an admitted fact on record that, when the Petitioner was released on furlough leave in the year 2006, he absconded and was to be arrested by the police and brought back to jail, after a lapse of about 3153 days i.e. about eight and half years. Both the Authorities have expressed an apprehension that, if the Petitioner is again released on furlough or parole leave he may abscond and will not be available for undergoing balance of sentence. The said apprehension is based on the police report(s) given by the concerned Police Stations. We see no reason to have a different view than expressed by both the Authorities below.

5) We find that, both the Authorities below have not committed any error either in law or on facts while rejecting the application of the Petitioner for furlough leave.

5.1) Petition is accordingly dismissed.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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