



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 839/2021

Dharmaraj s/o. Kantilal Gaharaye

Vs.

State of Maharashtra and Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Abhay Dhage, Advocate h/f. Mr. A. D. Tote, Advocate for
Petitioner.

Ms N. R. Tripathi, A.P.P. for Respondents/State.

CORAM : NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.
DATED : 28/11/2024.

. The learned Counsel for the petitioner sought
adjournment. The petition is pending since 2021.

2. The prayer of the petitioner, who is a convict in
an offence punishable under Section 302 of the Indian
Penal Code has sought furlough.

3. In view of Rule 17 of the Prisons (Bombay
Furlough and Parole) Rules, 1959, the furlough is not a
right.

4. The only reason cited by the Authority in
rejecting the prayer for furlough is the physical and mental
competency of the surety, who is a senior citizen.

5. We fail to understand as to how the physical
and mental fitness of the surety would be a basis for
rejection of the prayer for furlough when but for age no
other medical documents of surety were produced.

6. In that view of the matter, rejection of prayer
for furlough particularly when there is no such statutory

embargo provided under the Rules, the impugned order dated 09.04.2021 is hereby quashed and set aside.

7. We direct the respondent No.1 – Authority to pass a fresh order in the light of the application made for furlough.

(MRS. VRUSHALI V. JOSHI, J.) (NITIN W. SAMBRE, J.)