



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**13 CRIMINAL WRIT PETITION NO. 879 OF 2025**

AKSHAY DEVIDAS GAISAMUDRE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Mr. Sunil V. Salve Advocate for Petitioner.  
Mr. G.A. Kulkarni, A.P.P. for Respondents.  
...

CORAM: SMT. VIBHA KANKANWADI AND  
SANJAY A. DESHMUKH, JJ.

DATE : 5<sup>th</sup> AUGUST 2025

**ORDER :**

1. Learned APP points out that the present petitioner had approached this Court by filing Criminal Writ Petition No.1238 of 2024, which came to be decided on 10<sup>th</sup> October 2024 by giving directions. It was found that the convict i.e. who is the brother of the present petitioner, was mentally challenged / having some mental illness and therefore, directions were given and one of the stipulation in the order was "Upon the certificate of overcoming the illness along with the application for parole or furlough by the petitioner or his relative, then the concerned

authority may decide the same on its own merits.” This Court had taken the subsequent reports into consideration regarding the mental health of the convict which were provided by the Superintendent of Regional Mental Hospital, Yerawada, Pune and the last order appears to be on 2<sup>nd</sup> January 2025, wherein it was stated that still the convict is unfit. Now the petitioner says that his brother is fit and has been discharged from the said hospital.

2. It appears that the petitioner or the relative or the convict himself had not then filed any application for furlough and therefore, when this fact was pointed out, learned Advocate for the petitioner, upon instructions, seeks withdrawal of the Petition with liberty to file application before the appropriate authority for furlough leave. In fact that is the direction that was given by this Court in the earlier round.

3. Accordingly, the Writ Petition stands disposed of as withdrawn, with liberty as prayed.

**[SANJAY A. DESHMUKH]**  
**JUDGE**

**[SMT. VIBHA KANKANWADI]**  
**JUDGE**