

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3057 OF 2025

Randhir @ Nikhil Ashok Singh Aged 40 years, Occupation : Nil residing at Timber Chawl, R. No.5/A Subhash Road, Janta Market, Bhandup (West), Mumbai – 400 078. (Confined at Kolhapur Central Prison, Kalamba, Kolhapur.)	]]]]]]]	
		Petitioner

Versus

1.	The State of Maharashtra	]	
2.	The Superintendent, Kolhapur Central Prison, Kalamba, Kolhapur.	]]]	
3.	Dy. Inspector General of Prisons Western Region, Yerawada, Pune – 411 106.	]]]	Respondents

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Mr. N.N. Gawankar i/b Mr. Manas N. Gawankar, for Petitioner.

Mr. Anand Shalgaonkar, A.P.P, for Respondents – State.

Ms. Madhuri M. More, Jailor and Mr. Shreedhar H. Kumbhar, Shipoy,
Kolhapur Central Prison present.

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**CORAM : M.S. KARNIK &
SHARMILA U. DESHMUKH, JJ**

DATE : 8th OCTOBER, 2025.

ORAL ORDER: [PER M.S. KARNIK, J.]:

1. Heard Mr. Gawankar, learned Counsel for the petitioner and Mr. Shalgaonkar, learned A.P.P, for respondent – State.
2. By this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for quashing and setting aside the impugned order dated 16th January, 2025 passed by respondent No.3. The petitioner has prayed for an order directing respondent No.2 to release the petitioner on furlough leave as per the order dated 19th December, 2024 passed by respondent No.3.
3. The facts of the case in brief are that the petitioner was arrested on 30th June, 2010. The petitioner was convicted on 30th May, 2018 by Special Judge, MCOC Act, Mumbai in MCOC Special Case No.10 of 2010 and sentenced to suffer rigorous imprisonment for life. The petitioner applied for furlough leave in October, 2024. Respondent No.2 forwarded the said application to the office of respondent No.3 on 18th November, 2024. Respondent No.3 passed an order granting furlough leave to the petitioner by an order dated 19th December, 2024. Another order was passed by respondent No.3 on 16th January, 2025 which is enclosed to this petition rejecting furlough leave to the petitioner.

4. In our opinion, the order dated 16th January, 2025 will have to be set aside for the reasons stated hereinafter.

5. We have perused the affidavit-in-reply filed by Superintendent, Kolhapur Central Prison, Kolhapur on behalf of the respondents. In the said affidavit, there is reference to the application dated 18th November, 2024 filed by the petitioner for furlough leave. It is stated that Police Report was called which was received on 5th December, 2024 and in view of Notification dated 2nd December, 2024 of the Home Department and the Maharashtra Prison (Mumbai Furlough and Parole Leave) (Amendment Rule) 2024 as the petitioner was not eligible for furlough leave being a prisoner who is convicted under the Maharashtra Control Organized Crime Act, 1999, the application for furlough leave came to be rejected by the impugned order dated 16th January, 2025.

6. The respondents could not have passed the order dated 16th January, 2025 in the teeth of the order dated 19th December, 2024 by which furlough leave was granted to the petitioner. Further there is no power vested in the respondent No.3 to review the order granting furlough leave. It is pertinent to note that application for furlough leave was made by the petitioner prior to aforesaid Rules came into force on 2nd December, 2024.

7. In this view of the matter, the application made by the petitioner deserved to be considered in accordance with the Rules which were existing prior to coming into force of the Maharashtra Prison (Mumbai Furlough and Parole Leave) (Amendment Rule) 2024. The impugned order dated 16th January, 2025 is, therefore, quashed and set aside. The petitioner is entitled to furlough leave in terms of the order dated 19th December, 2024.

8. The petitioner has been released on furlough leave in the past. We find that condition No.1 in the order dated 19th December, 2024 is onerous. In this view of the matter, condition No.1 in the order dated 19th December, 2024 is modified. Sum of Rs. 2,00,000/- be substituted with sum of Rs.20,000/-. It is stated that in the month of March, 2025, the petitioner's son died due to drowning. The petitioner wants to spend some time with his wife.

9. The petition is allowed in the aforesaid terms.

[SHARMILA U. DESHMUKH, J.]

[M.S. KARNIK, J.]