



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 230 OF 2025

Kiran Kesari Vaity
Nashik Road Central Prison,
Nashik.

.....Petitioner

Vs.

The State of Maharashtra

.....Respondent

Mr. Ajay Talreja, Appointed Advocate, for the Petitioner.
Ms. P. P. Shinde, APP, for Respondent-State.

CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.

DATE : 20th MARCH 2025.

ORDER :- (Per Dr. Neela Gokhale, J.)

1. The Petitioner vide his letter dated 14th October 2024 sent through jail has challenged the orders dated 27th June 2024 and 3rd September 2024 passed by the Deputy Inspector General of Prisons, Nashik Division, Nashik and Inspector General of Prisons and Correctional Services, State of Maharashtra, Pune-1 respectively, rejecting the Applications made by the Petitioner for furlough leave. The present Petition is filed through the jail authorities.

2. The Petitioner is serving a sentence for 20 years in Nashik Road Central Jail, Nashik, being convicted vide judgment and Order dated 21st December 2017 passed in POCSO Case No. 12 of 2017 by the City Civil and Sessions Court, Greater Mumbai, for the offences punishable under Section 376 (2) (j) of the Indian Penal Code, 1860 ('IPC') and Section 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO').

3. The Petitioner filed an Application for furlough leave. However, the Competent Authority rejected the said Application. The Petitioner preferred an Appeal before the Appellate Authority, which was also rejected. Hence, he has filed the present Petition for the relief as prayed.

4. Heard Mr. Ajay Talreja, learned Advocate appointed for the Petitioner and Ms. P.P. Shinde, learned APP for the State.

5. Learned APP submitted that as per Rule 4 (12) of the Maharashtra Prisons (Mumbai Furlough and Parole) (Amendment) Rules, 2018 which is applicable to the Petitioner being convicted of rape, the Petitioner is not qualified to be released on furlough. Rule 4(12) reads as under:

“4. Eligibility for furlough: - All Indian prisoners except from following categories whose annual conduct reports are good shall be eligible for furlough:-

(1) to (11) ~~xxxx~~

*(12) Prisoners who are considered dangerous or have been involved in serious prison violence like assault, outbreak, riot, mutiny or escape, or who have been found to be instigating the serious violation of prison discipline, smuggling of narcotic and psychotropic substances including convicted under Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), **rape** or rape with murder, attempt to rape with murder and foreigner prisoners (Prisoners may be eligible for furlough after completion of stipulated sentence in the respective section);”*

6. Since the Rules as framed by the Home Department of the State of Maharashtra in exercise of its powers vested in it under the Prisons Act (IX of 1894), as applicable to the Petitioner himself, prohibit grant of furlough leave in certain categories of offences, including that under which the Petitioner stands convicted, we do not find any infirmity in the orders passed by the Competent Authority as well as the Appellate Authority. We are not inclined to interfere with the orders passed by the said Authorities.

7. Petition stands dismissed and is accordingly disposed off.
8. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.) (REVATI MOHITE DERE, J.)