



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 234 OF 2025

Pintu Girdharilal Yadav

-- **VERSUS** --

State of Maharashtra & Others.

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

Court's or Judge's orders.

Shri S.D. Chande, Counsel for the Petitioner.
Shri I.J. Damle, A.P.P. for Respondents.

CORAM : ANIL L. PANSARE, AND
M.M. NERLIKAR, JJ.

DATE : JULY 23, 2025

Heard.

2. The petitioner is seeking remission on the basis of Government Resolutions dated 03/06/2017 and 13/03/2024.

3. As regards Government Resolution dated 03/06/2017, the remission of 3 months has already been granted. So far as the remission in terms of Government Resolution dated 13/03/2024 is concerned, the Petitioner is seeking remission of 13 months.

4. Learned A.P.P. submits that the petitioner is not eligible for this benefit because he has been convicted for the offence punishable under Sections 376 (g) of the Indian Penal Code in Special Criminal Case No.09/2005. The Government Resolution dated 13/03/2024 in Para 2, sub-clause (vi) provides that the benefit of the said

Government Resolution will not be applicable to the prisoner who is not entitled for furlough leave.

5. Rule 4 of the Prisons (Bombay Furlough and Parole) Rules, 1959, provides for eligibility for furlough Sub-rule 12 provides as under :-

“Rule 4[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].”

From the above, it could be seen, that the prisoner convicted for the offence of rape is not eligible for the furlough.

6. That being so, in terms of the Government Resolutions which the petitioner himself has relied upon, he is not entitled for the benefit of remission. Thus there is no merit in the Petition, the same is accordingly dismissed.

[M.M. NERLIKAR, J]

[ANIL.L. PANSARE, J]