



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

CRIMINAL WRIT PETITION NO.557/2025

Mohammed Zubair Tarbej alias Jugnu alias Micco Qasim Shaikh Vs. The Special
Inspector General of Police, Nagpur.

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

Court's or Judge's orders

Ms S. P. Chavhan, Advocate for petitioner.
Mrs. N. R. Tripathi, A.P.P. for respondent Nos.1 and 2.

CORAM : ANIL L. PANSARE AND M. M. NERLIKAR, JJ.
DATE : JULY 24, 2025

Heard.

2. The benefit of furlough has been denied to the petitioner on the ground that he has been convicted for the offences punishable under the provisions of the Maharashtra Control of Organized Crime Act, 1999.

3. The Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959, are amended vide notification dated 02.12.2024.

4. Rule 4 of Chapter II provides for categories of eligibility of prisoners for furlough. Sub Rule (2) provides for exception to release a prisoner on furlough. Clause (e) thereof provides thus:

“(e) prisoners who are convicted under the Narcotics Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987), the Maharashtra Control of Organized Crime Act, 1999, (Mah. XXX of 1999), the Protection of Children from Sexual Offences Act, 2012 (32 of 2012) or convicted for offence of gang rape and human trafficking;”

5. As could be seen, the prisoners who are convicted under the MCOC Act are not eligible for furlough.

6. That being so, merely because the petitioner was, prior to 2024 i.e. prior to the amendment, released on furlough, will not make him eligible for the said relief.

7. We do not find any error in the impugned order. The petition is accordingly dismissed.

(M. M. Nerlikar, J.)

(Anil L. Pansare, J.)

Kahale