

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 7192/2019

(Arising out of impugned final judgment and order dated 07-02-2019 in CRLWP No. 33/2019 passed by the High Court of Judicature at Bombay at Aurangabad)

THE STATE OF MAHARASHTRA & ORS.

Petitioner(s)

VERSUS

MOHAMMAD MOIN

Respondent(s)

(IA No. 112949/2019 - EXEMPTION FROM FILING O.T.)

WITH

SLP(Cr1) No. 7190/2019 (II-A)

IA No. 117798/2019 - EXEMPTION FROM FILING O.T.)

SLP(Cr1) No. 7305/2019 (II-A)

IA No. 117866/2019 - EXEMPTION FROM FILING O.T.)

SLP(Cr1) No. 7401/2019 (II-A)

(FOR EXEMPTION FROM FILING O.T. ON IA 118656/2019 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 118657/2019)

Date : 14-07-2021 These matters were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.

For Respondent(s) Mr. Mohd. Irshad Hanif, AOR
Mr. Rizwan Ahmad, Adv.
Mr. Mujahid Ahmad, Adv.
Mr. Danish Sher Khan, Adv.
Mr. Mohd. Wasiq Khan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

SLP (C) No.7192/2019

The special leave petition filed by the State of Maharashtra

is against an order of the High Court dated 07.02.2019 whereby Criminal Writ Petition No.33 of 2019 filed by the respondent has been allowed, the impugned orders of the petitioner No.4, rejecting the application of the respondent for furlough has been set aside and the respondent has been directed to be released on furlough for a period of 28 days on usual conditions.

This special leave petition is filed long after the expiry of 28 days from the date of the aforesaid order, along with an application for condonation of the delay of 47 days in filing the Special Leave Petition. In the meanwhile, the respondent had duly been released on furlough due to his mother's illness.

Pursuant to an order dated 3rd October, 2019 of this Court, the respondent was released on parole for a period of 28 days on usual conditions in view of the death of his mother. Those 28 days are also over and the respondent is now in custody. The Special Leave Petition is, thus, infructuous. No further order need be passed.

The special leave petition is dismissed as infructuous. It is made clear that all the questions of law raised in the Special Leave Petition are kept open.

SLP (Cr1) No. 7190/2019, 7305/2019 and 7401/2019

List these matters tomorrow, that is 15.07.2021 after the continuing Part-Heard matters.

(SWETA BALODI)
COURT MASTER(SH)

(MATHEW ABRAHAM)
COURT MASTER(NSH)