

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

CRIMINAL WRIT PETITION NO. 220 OF 2015

(Gupta s/o Dasharath Todase (in Jail) vs. State of Maharashtra thr. Divisional Commissioner,
Nagpur & Ors.)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
JUNE 11, 2015.**

Heard Shri Kotwal, learned counsel for the petitioner and Mrs. Tripathi, learned APP for the respondents.

Perused the reply. By order dated 02.12.2014, furlough leave has been denied to the petitioner on the ground that he has reported late by 21 days, 22 days, 57 days and 43 days on the earlier occasions. The perusal of reply shows that report submitted by the Superintendent of Police, Bhandara, recommended release, however, because of this late surrender, leave has been denied.

The impugned order does not show consideration of circumstances in which the petitioner could not report back within time. The situation has been looked into by this Court in its judgment in the case of Raju @ Rajabhau Bhagwantrao Wankhede & Ors. vs. D.I.G. Prisons (E)(R) & Anr., reported at 2015 (1) BCR (Cri) 64. In the light of that judgment, we set aside the impugned order dated 02.12.2014 and direct

the respondents to release the petitioner on furlough leave at the earliest in accordance with law.

Criminal Writ Petition is allowed accordingly.

JUDGE

JUDGE

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