

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

CRIMINAL WRIT PETITION No. 240 of 2015

Naresh Ramaji Sonone,
 Convict No. C-7149
 Presently at Central Prison,
 Nagpur.

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Petitioner.

-Versus -

1. The Deputy Inspector General (Prisons) (East) (R)
 Nagpur.
2. The Superintendent,
 Central Prison,
 Nagpur.

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Respondents.

 Shri Mir Nagman Ali, Advocate for petitioner.
 Shri S.B. Ahirkar, APP for respondents.

**CORAM : A.B.CHAUDHARI AND
 P.N. DESHMUKH, JJ.**

DATED : 30th April, 2015.

ORAL JUDGMENT (Per P.N. Deshmukh, J.)

1. Rule. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.
2. The petitioner has approached this court being aggrieved by the order of rejection of his application for grant of furlough leave passed by the competent authority on 10.3.2015.
3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for respondents. Perused the affidavit-in-reply. We have noted that the petitioner is undergoing life imprisonment for the offence punishable under section 302 read with Sec. 34 of the Indian Penal Code by judgment dated 26.12.2006 and

that his application was rejected on considering his past record that petitioner failed to surrender on due date when he was earlier released on furlough leave on three occasions and on parole on one occasion. From the affidavit-in-reply it is found that on two occasions petitioner surrendered late by 14 and 50 days respectively while on furlough and by 49 days while on parole leave.

4. In so far as delay in surrender is concerned, the Division Bench of this Court has taken a view that for this reason the Competent Authority can always take action for delay in surrender in accordance with Rules and can impose penalty. It is not the case of respondents that petitioner on any occasion was required to be arrested and brought back to prison.

In that view of the matter, the petition is liable to be allowed as per order below.

ORDER.

1. Criminal Writ Petition No. 240/2015 is allowed.
2. The petitioner shall be released on furlough leave for 14 days on executing surety.
3. While on leave, the petitioner shall mark his presence at Police Station Narkhed, Taq. Narkhed, Dist. Nagpur, on every alternate day between 10.00 a.m. to 1.00 p.m. and shall surrender to jail within stipulated time.

JUDGE

JUDGE

Hirekhan