

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

CRIMINAL WRIT PETITION (CWP) NO. 312 OF 2015

(Dinkar Krushna Narote, Convict No. C- 3654, Central Prison, Amravati vs. The D.I.G. (Prison)(E)
(R), Nagpur & Anr.)

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 18, 2015.**

Heard Mrs. S.P. Kulkarni, learned counsel (appointed) for the petitioner and Ms. Mehta, learned APP for the respondents.

The furlough leave has been denied to the petitioner as he was required to be arrested and brought back to prison when he was released on 31.01.2012. He was brought back on 23.12.2013 i.e. late by 392 days. Two earlier instances of late reporting also find mention in the impugned order.

The learned counsel for the petitioner has pointed out the reasons disclosed by the prisoner in para 2 of his application viz., all male members being in jail, field is lying uncultivated and some third person is trying to forcibly cultivate it.

This Court in the judgment in the case of Raju @ Rajabhau vs. D.I.G. Prisons, reported at 2015 (1) BCR (Cri.) 64, held that circumstances in which the prisoner could not report within time must be considered by the authorities while applying the provisions of Rule 4(4)(10) of the Prisons (Bombay

Furlough and Parole) Rules, 1959. Those reasons did not find any mention in the impugned order.

The impugned order is, therefore, quashed and set aside. The respondents are directed to pass fresh orders in accordance with law within next six weeks. Writ Petition is accordingly partly allowed.

The charges of the counsel appointed for the petitioner are fixed at Rs.1,500/- (Rs. One thousand five hundred only).

JUDGE

JUDGE

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