

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

CRIMINAL WRIT PETITION NO. 320 OF 2015.

Umakant Laxmichand Katre ..vs.. The D.I.G.Prison (E)(R), Nagpur and anr.

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

Court's or Judge's orders

Ms.Archana Ramteke Adv. (appointed) for the petitioner.
Mrs.N.Tripati, APP for the respondents.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : JUNE 09, 2015.

Heard Ms.Ramteke, learned counsel (appointed) for the petitioner and learned Additional Public Prosecutor for the respondents.

Perused the reply. Furlough has been denied to the petitioner only on the ground that he has reported late on six occasions.

Perusal of impugned order dated 15th of March, 2015 as also reply-affidavit show late surrender of the petitioner in 2006 on one occasion by 3 days, in 2010 on one occasion by 15 days and in 2011 on one occasion by 2 days. Thereafter in August, 2012, May, 2013 and May, 2014 he has surrendered late by one day only.

In view of this late surrender and on account of provisions of Clause 4(4)(10) of Bombay Furlough and Parole Rules, 1959 impugned order has been passed.

Reasons which did not permit the petitioner to report within time, if any, do not find any mention or consideration.

In this situation, following the judgment delivered by this Court in the case of **Raju @ Rajabhau ..vs.. D.I.G.Prison** reported in **2015(1) BCR (Cri) 64**, we set aside the impugned order dated 15th of

March, 2015.

We direct respondent to release the petitioner on furlough leave in accordance with law within a period of three weeks from today.

Fee to be paid to the learned counsel appointed for the petitioner is quantified at Rs.1500/-.

JUDGE

JUDGE

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