

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

CRIMINAL WRIT PETITION (CWP) NO. 325 OF 2015

(Nandu @ Devanand s/o Keshavrao Budhbavare, (presently in Nagpur Central Prison) vs. The State of Maharashtra thr. Superintendent of Police, Wardha & 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 Ms. S.S. Singalkar, learned counsel for the petitioner and Ms. Mehta, learned APP for the respondents.

Perused the impugned order dated 08.01.2015. Only on the ground that the petitioner has reported late on six occasions and was required to be arrested once, furlough leave has been declined.

The record shows that earlier on two occasions i.e. in 2005 and 2007, he reported back on due date. This Court in the case of Raju @ Rajabhau vs. D.I.G. Prisons, reported at 2015 (1) BCR (Cri.) 64, taken a view that the provisions of Rule 4(4)(10) of the Prisons (Bombay Furlough and Parole) Rules, 1959, become relevant after considering the circumstances in which the prisoner could not report back within time. The impugned order does not show consideration of those circumstances or events.

In this situation, the impugned order is quashed and set aside. The respondents are directed to pass fresh orders in accordance with law within next six weeks from today. Writ Petition is accordingly partly allowed. No costs.

JUDGE

JUDGE