

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

CRIMINAL WRIT PETITION NO.361 OF 2015.

Champalal Faganlal Pardhi ..vs.. The D.I.G. (Prisons), 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

Mr.Mir Nagman Ali, Adv. for the petitioner.
Mr.R.S.Nayak, APP for the respondents.

CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.
DATED : JUNE 23, 2015.

Heard Mr.Ali, learned counsel for the petitioner and learned
Additional Public Prosecutor for the respondents.

Perused the impugned order dated 16th of March, 2015 as
also reply-affidavit tendered by respondent no.2.

Perusal of reply-affidavit shows that petitioner has been
released on five occasions earlier, out of it first three occasions were
furlough while later two occasions were parole. On each occasion he
has surrendered late but voluntarily. He has surrendered late on some
occasions by two days, six days etc. Maximum period of such late
surrender is 78 days.

This Court in the case of Raju @ Rajabhau
Wahkhede ..Vs.. D.I.G.Prison (E)(R) and anr. reported in 2014(1)
Bom.C.R.(Cri.) 64 has observed that merely late surrender is not
sufficient to invoke provisions of Rule 4(4)(10) of Prisons Furlough and
Parole Rules, 1959 reasons for such late surrender must be evaluated by
the respondents.

In this situation, impugned order does not show any
consideration of such reasons. Hence, we quash the impugned order.

Respondents are directed to released the petitioner on

furlough, in according with law, within a period of six days from today.

With this observations and directions, we dispose of the petition.

JUDGE

JUDGE

Chute.